00109029

CX
r
35

THE
ASIATIC SOCIETY OF BOMBAY
TOWN HALL, BOMBAY-1.

Digitized with financial assistance from

Government of Maharashtra

on 01 February, 2020

00109029

OFFICIAL CORRESPONDENCE

ON THE

SYSTEM OF REVENUE SURVEY AND ASSESSMENT

IN THE

Bombay Presidency.

REVISED EDITION.

10029

Printed by order of the Government of Bombay.

Bombay:
PRINTED FOR GOVERNMENT
AT THE
EDUCATION SOCIETY'S PRESS, BYCULLA.

1859.

CONTENTS.

PAGE

A Report made to the Revenue Commissioner, Southern Division, under date the 2nd of August 1847, by Mr. Goldsmid, Captain Wingate, and Captain Davidson, relative to the objects of a Revenue Survey, and advantages of a Field Assessment, the manner in which the Survey operations should be conducted, and the future administration of the settlements effected. (The alterations and additions made in the original Report will be understood from the instructions detailed in paragraph 14 of the Right Honorable the President's Minute of 20th October 1849, the explanations given by Captain Wingate in his letter of 7th January 1850, No. 6, and the first of the foot-notes to the Rules for the Future Administration of the Survey Settlements.) 1

Letter from E. H. Townsend, Esquire, Revenue Commissioner, Southern Division, No. 2258, dated 10th September 1847, forwarding the above Report to Government, and stating his opinion on the several questions discussed, and the Rules proposed therein..... 50

Minute on the above Papers by the Honorable Mr. Clerk, Governor and President in Council, dated 16th November 1847 61

Minute on the same by the Honorable Mr. Reid, dated 16th May 1848. 73

Minute on the same by the Honorable Mr. Willoughby, dated 18th May 1848 80

Letter to the Revenue Commissioner, Southern Division, No. 5593, dated 22nd September 1848, and containing the observations and instructions of Government on the above Papers..... 81

Letter from Government to Dr. Gibson, the Conservator of Forests, dated 22nd September 1848, No. 5594, asking for his opinion in the plan proposed in Joint Report for disposing of the produce of fruit and other trees standing in fields. 90

Reference on the same subject from Government to Captain Wingate, No. 6358, dated 18th October 1848 93

Reply, No. 206, dated 26th October 1848 94

Reference from Government, on the same subject, to Dr. Gibson, No. 7172, dated 15th November 1848 98

Reply, No. 869, dated 18th November 1848..... ib.

Reference from Government, on same subject, to the Revenue Commissioner, Southern Division, No. 7840, dated 19th December 1848... 101

Reply, No. 675, dated 7th February 1849. 102

PAGE

Instructions from Government, on same subject, to the Revenue Commissioner, Southern Division, No. 1496, dated 28th February 1849.... 104

Letter from the Revenue Commissioner, Southern Division, No. 3195, dated 10th August 1849, with following accompaniments, relative to the observations and instructions conveyed in Government letter of 22nd September 1848, No. 5593 105

Letter from Captain Wingate, No. 239, dated 23rd December 1848 109

Letter from Lieutenant Anderson, No. 17, dated 21st February 1849 123

Letter from Mr. Tytler, late Superintendent, Dang Survey, No. 33, dated 28th May 1849 131

Minute on the above letter, and accompaniments, by the Right Honorable Viscount Falkland, Governor and President in Council, dated 20th October 1849, concurred in by the Honorable Mr. Willoughby and the Honorable Mr. Blane. (This Minute was embodied in a letter from Government to the Revenue Commissioner, Southern Division, No. 6900, dated 16th November 1849, the letter, therefore, is not printed) 134

Letter from Captain Wingate to Government, dated 7th January 1850, No. 6, returning the Joint Report, with such alterations in the body of the Paper, and such foot-notes as show how the Rules should, and are to be, acted on, according to the modifications directed by Government, and offering also some observations on those modifications 137

APPENDICES.

Appendix A.—Rules regarding Forest Trees 141

Appendix B.—Rules for Boundary Marks..... 153

Appendix C.—Memorandum for the guidance of Revenue Officers in deciding questions regarding Occupancies and Sub-tenancies 157

INDEX TO THE REPORT.

No.	Subject.	Paras.
1	Introductory Observations	1—3
2	Objects of a Revenue Survey, and advantages of a Field Assessment	4—10
3	Division of Village Lands into Fields	11—18
4	Definition of Fields by suitable Land-marks	19—21
5	Determination of Village Boundaries, and settlement of disputes connected with them	22—28
6	Measuring and Mapping the Land	29—37
7	Classification of	
	Dry Crop Land	38—53
	Garden ditto	54—62
	Rice ditto	63—65
8	Settlement of the Rates of Assessment	66—78
9	General Observations on preceding subjects	79
10	Interior Management of the Survey Department	80, 81
11	Future Administration of the Survey Settlements	82—87

From

H. E. GOLDSMID, Esquire,
Captain G. WINGATE,
Captain D. DAVIDSON,
} Superintendents of Survey,

To

E. H. TOWNSEND, Esquire,
Revenue Commissioner, Southern Division.

SIR,

In obedience to instructions from Government, conveyed in the letter noted in the margin, we have assembled at Poonah for the purpose of taking into consideration "the best means for bringing the somewhat diversified operations of the several Revenue Surveys of this Presidency into conformity, as far as practicable," and also "for ensuring the results of the Surveys being turned to the best account, and maintained in their original integrity in the future management of the Districts;" upon which points we do ourselves the honour to submit, for the consideration of the Honorable the Governor in Council, the following Report.

Dated 10th April 1847, No. 864.

2. Descriptions, more or less complete, of the modes of operation in use on the three surveys, have been, at different times, already submitted to Government; but subsequent to the dates on which these were written, modifications of the then existing practices have been, from time to time, introduced, so that the descriptions referred to now present an imperfect, and, from the circumstances which called them forth, an unconnected view of the several systems. But, in preference to entering into a minute detail of the methods of procedure followed at present on the several surveys, we shall proceed to describe, in compliance with the intentions of Government, the principles of that system of survey, which, on a full consideration of the merits and peculiarities of the existing practices, we deem best suited for general adoption, and to be considered the standard for future operations, in so far as local peculiarities may admit.

3. A full consideration of the points mooted by Government would seem to require, in addition to the description of the system of Survey and Assessment, some notice of the objects to be accomplished by it, as it is only by a full comprehension of the end to be attained, that we can judge of the merits of the means employed. We propose, therefore, before proceeding to describe the plan of survey we have to recommend, to submit a few observations, illustrative of the system of revenue administration to which our operations are subservient.

4. The chief design of a Revenue Survey may be defined to be the regulation of the customary land tax, so that it shall at once secure an adequate revenue to Government, the progressive development of the agricultural resources of the country, and the preservation of all proprietary and other rights connected with the soil. In the districts hitherto surveyed, or under survey by us, the whole land, as generally throughout India, appertains to villages; and the lands of each village are divided into fields or estates, held upon various tenures, or unoccupied, but which, in respect of taxation, may be classed under the three heads of *rent-free*, *partially assessed*, and *subject to the standard assessment*.

5. Under our Government, the revenue management of the districts alluded to has generally been Ryotwur, but without joint responsibility,—each cultivator being liable only for the land he cultivates, and renewing his engagement with Government from year to year. In some districts each field, or subdivision of the village lands, had its particular assessment, which was either fixed, or settled from time to time, and the cultivators had, or were supposed to have, the right of relinquishing, when so disposed, any of the fields contained in their holdings, and obtaining a reduction of their liabilities, equivalent to the assessment of the lands so relinquished; in others, the assessment was laid upon the entire holding of the cultivator, instead of its component fields; but in both cases, the practical exercise of the right of the cultivator to relinquish any part of his farm, at the expiration of his annual engagement, was greatly restricted, by the injudicious interference of our native Revenue servants, through their anxiety to keep up the cultivation and revenue of the villages or districts over which they had control.

6. The superior advantages of the field assessment over that by which the assessment is placed on the whole lands of a village, or the entire holdings of individuals or co-parceners, whether proprietors or

occupants, have been already so fully stated by two of our number, in their joint Report quoted in the margin, and are so generally admitted by the Revenue Officers of this Presidency, that we deem it unnecessary to enter upon any very detailed exposition of them here. It may be permitted us to remark, however, that one manifest advantage of breaking up the assessment of a village into portions so minute, is the facility it affords to the cultivators of contracting or enlarging their farms from year to year, according to the fluctuating amount of agricultural capital and stock at their disposal; which is of incalculable importance to farmers possessed of so limited resources as those of the cultivating classes throughout India.

From Messrs. Goldsmid and Wingate, to Sole Rev. Comr., No. 1, dated 27th October 1840.

7. The loss of a few bullocks by disease, or other causes, may quite incapacitate a ryot from cultivating profitably the extent of land he had previously in tillage, and without the privilege of contracting the extent of his farm, and consequent liabilities on occasion of such losses, his ruin would be very shortly consummated. It is for this reason that there would be no advantage, but the contrary, in binding down the cultivators by long leases, as has often been recommended. The only advantage of a long lease to a farmer is, the security it affords against any increase of rent or assessment during its continuance; while, on the other hand, it has the disadvantage of increasing his risks and liabilities, in proportion to the length of the period for which it makes him responsible for the rent or assessment. The longer the lease, the greater scope for the employment of capital, but the greater the liabilities of the farmer, and risk of failure. With farmers of large capital, the security of tenure will overbalance the risk; but with farmers of small capital, the case will be reversed; and for the latter class of men in any country, it may safely be predicated that long leases, binding them to pay an invariable rent for a long series of years, are quite unsuitable.

8. To all classes of farmers, however, whether rich or poor, the tenure which affords the greatest security against increase of rent, with the least extent of liability and risk of loss, is undoubtedly that most favourable to the interests of the agricultural classes, and to the progressive increase of farming capital; and it is evident that this can only be effected by shifting the risk from the tenant to the landlord, and securing to the former all the advantages and security of a long

ease, without its attendant liabilities. In countries where the land is divided into properties of limited extent, landlords could not be expected to incur this risk, when it is so easy to shift it on their tenants' and secure their own rents; but the case is altogether different when the whole, or a large portion of the land-rent, is levied by Government. In the latter case, the interests of the rent payer and rent receiver are identical. With a Government, the question is not the certainty and amount of rent derivable from one estate, without reference to aught beyond its boundaries, but from the country at large. The land tax is obtained, not from a few individual farmers, but from the whole agricultural community; and its amount will fluctuate with the circumstances of the latter. With every diminution of the total amount of capital employed in agriculture, the land revenue will decline; with every increase, it will improve. The maximum of farming capital and land revenue will be the same, as will also be their fluctuations. It appears, therefore, that in opposition to the case of an ordinary land owner, Government incurs neither risk of loss, nor additional liabilities, by giving the cultivator all the advantages of a long lease, and at the same time, relieving him of its attendant disadvantages.

9. The important end here pointed out, we believe to be fully attained by the fixed field assessment of our surveys, administered by annual leases. The cultivator's title to the occupation of his fields is indestructible, while he continues to discharge the assessment laid upon them, though his engagement for each be annually renewed; and by placing the assessment upon each field, instead of on his whole holding, he is enabled, when circumstances make the course desirable, to relinquish any of the former, or take up others which may be unoccupied, so as to accommodate the extent of his liabilities to his means to meet them. The fixed field assessment for the term of thirty years, introduced by our surveys, thus secures to the cultivator the full advantages of a thirty years' lease, without burdening him with any condition beyond that of discharging the assessment for the single year to which his engagement extends. He has thus all the security of tenure which the longest lease could confer, without the attendant liabilities and risk, which his limited capital and precarious circumstances would be quite inadequate to meet.

10. The main objects, then, of our surveys, is the imposition of a field assessment, and we are now to consider the most suitable means for accomplishing this.

11. The first question presenting itself for consideration, is the definition of the field. In every village, as already stated, there are recognized subdivisions of the village lands, which, for the most part, have distinctive appellations, and have existed from time immemorial; many of these, however, known as Thuls, Tickas, Daghs, and by other denominations, are of large size, and in the possession of several individuals. Their external boundaries may be considered permanent, but the limits of their interior portions in the possession of distinct parties, are subject to change, through the operation of sales, transfers, annexations, partitions, and so forth. Occasionally, also, an old subdivision, though of large size, may be held by a single individual of larger means than usual; another, again, though not beyond, and even within the average size, may be partitioned very minutely amongst a numerous co-parcenary, especially in the case of Meeras lands, which are inherited by the Hindoo common law of equal partition among the male descendants, on the death of the common ancestor. Such minor subdivisions are continually subject to change, from the causes just mentioned, and others; and finally, large tracts of waste, and even cultivated lands, in which all trace of the original subdivisions has been lost, are not uncommon.

12. To secure the advantages of the field assessment described in our preceding observations, it is obviously requisite that the fields upon which the assessment is distributed, should be of a size suitable to the circumstances of the cultivators, so as to admit of their being readily cultivated by ryots of limited means This could not be accomplished by constituting the ancient Thuls and Daghs into fields, as these would be generally too large for our purpose; while, on the other hand, to make a field of every one of their interior subdivisions, as they exist at the time of survey, would greatly increase the labour and expense of the operation, without an adequate object; for such holdings are subject to frequent change, as already explained, and no advantage, that we are aware of, is to be gained by making permanent a state of things which, though representing at the time of survey the distribution of the village lands amongst the members of the community, would not continue to do so after the lapse of a very few years.

13. In the division of the village lands into fields, the chief points to be kept in view appear to be,—

1st.—That the fields, or at least a majority of them, should not be larger than may be cultivated by ryots of limited means.

2nd.—That they should not be made smaller than is necessary for the above object, without an adequate reason.

The former of these points may readily be determined by the extent of land capable of being cultivated by a pair of bullocks, as farming cannot be prosecuted at all, with a less number than this. When a ryot has only a single bullock, he must enter into partnership with a neighbour, or obtain a second by some means or other, in order to be able to cultivate at all.

14. The extent of land capable of being cultivated with a pair of bullocks, will vary according to climate, soil, description of cultivation, and methods of husbandry. In very dry climates, as the Deccan, where the soil is kept free of grass and weeds with comparative ease, the extent of the land will be greater than in moister districts, where vegetation is more vigorous, other circumstances connected with the cultivation being the same. A larger breadth of light, friable soils, may, of course, be kept in tillage with the same labour, than of heavier descriptions. In districts where manure is generally applied to the soils, the area capable of being cultivated will be much less than when no manure is applied. The difference between dry crop and irrigated lands, will be still greater.

15. The actual extent of the several descriptions of land capable of being cultivated as above, may, however, be easily ascertained in the case of any district about to be surveyed. Let us suppose, for the sake of illustration, the following to be the number of acres cultivable by a pair of bullocks in a particular district:—

20	acres of	light dry crop	soil.
15	,,	medium	,,
12	,,	heavy	,,
4	,,	rice land	,,

These areas would, we are of opinion, form the most convenient size of fields, as a general rule; but other circumstances require consideration.

16. It is of much importance that the existing state of things, in any village, should be as little interfered with as conveniently practicable, and consequently that the holdings of different proprietors and cultivators, and land held upon different tenures, should not, when avoidable, be included in the same field; and though cultivators, possessing only a pair of bullocks, are numerous, those with a greater

number are more numerous still; so that fields of double the size of the standard we have proposed, might be cultivated, and made the subject of transfer, &c. without difficulty.

17. On taking into account these, and various other circumstances affecting the question, but which could not be clearly explained without entering into a greater detail than would be suitable in a Report such as this, we are led to propose the following general Rules for the division of village lands into fields:—

RULES.

1st.—The number of acres for each description of soil and culture, capable of cultivation by a single pair of bullocks, having been determined, the size of the fields should be so regulated, as to contain from this, to double this number of acres.

2nd.—The preceding Rule does not apply to tracts of land incapable of cultivation, or unsuited for it in their present state, from the presence of dense jungle, or other obstructions, which should be divided into as large portions as may be convenient.

3rd.—Land held upon different tenures, as Meeras, Gutkool, Enam, Joodee, &c. should be measured separately, and not together, in the same field, even when of smaller area than required by Rule 1.

4th.—Different kinds of culture, as dry crop, rice, garden, &c. when in conformity with the usage of the District, should, as far as conveniently practicable, be measured into distinct fields.

5th.—Every holding* falling within the limits prescribed in Rule 1, should be constituted a survey field.

6th.—Every holding in excess of these dimensions, should be divided into two or more fields, so as to bring the area of each within them.

7th.—When a holding is of less area than the limit laid down in Rule 1, and there are other holdings on the same tenure contiguous to it, and also of less area than the Rule prescribes, so many of these are to be clubbed together, to

* By "holding" we mean any field, estate, or occupancy, contained within a continuous line of boundary, and in the possession of one person or co-parcenary.

form a new field, as may be requisite to bring the acres of the latter within the limit, but no more.

8th.—When a holding of less area than required by Rule 1 does not adjoin another holding, similarly circumstanced, it should be made a separate field, notwithstanding its deficient size.

18. These Rules would preserve the existing divisions of the land to as great an extent as seems necessary or desirable; for the subdivision of any large holding, under Rule 1, into fields of a convenient size for cultivation, will in no way affect the existing rights of the occupant, as the external boundaries, and extent of his land, will remain unchanged. The only other case in which existing usage could at all be interfered with, is, that of two or more inconveniently minute holdings being thrown into one survey field, under the provisions of Rule 6; but such instances would be of rare occurrence, and the field thus formed, so small, that there would be no difficulty whatever in arranging for the payment of its assessment by the several shareholders.

19. The size of the holdings having been determined, the next question that suggests itself, is the best mode of defining their limits, and of securing the preservation of the boundaries, when defined.

20. A continuous ridge or mound of earth encompassing the field, is doubtless the best boundary; but such was found on trial to be too expensive, and a system of partial ridging at the angles, and at intervals along the sides, with stones sunk at the corners and bends, has proved sufficient for practical purposes.

21. The number and size of these marks must be regulated by local circumstances, and we do not, therefore, propose any specific rule on the subject, further than that they ought to be of size and in number sufficient to define distinctly the limits of the fields, on the completion of the survey. These marks, whatever may be the labour and cost of their construction, we consider essential to the usefulness and permanency of the survey operations. Their due preservation and improvement will form one of the most important points connected with the future administration of the survey settlements, and will receive our attention when treating of the latter subject in the sequel of this Report.

22. The division of the village lands being subsidiary to the allotment of the entire area of a district into villages, the determination

and definition of village boundaries becomes a most desirable preliminary to the former operation. This measure is urgently called for, not merely with respect to its bearing on the survey, though this is most important, but in order to put a period to the numerous cases of disputed boundaries, which have not only been fruitful causes of ill-feeling and contention between the disputing parties, but have also entailed a serious loss of revenue to Governnent, by preventing the cultivation of extensive and often valuable tracts of land.

23. The existence of an unworkable enactment (Regulation X. of 1827) for the settlements of these disputes, and the failure of several attempts to obtain a more efficient law, added to the increasing obstruction to the survey operations caused by the frequency of such disputes in particular districts, compelled the Officers in charge to resort to some practicable mode of settlement, and these attempts proved, that the main hindrance to their settlement before had been the undue importance attached to them, and that no insurmountable, or even serious obstacles stood in the way of their adjustment; while the recent law (No. III. of 1846) for the construction and preservation of boundary marks, affords ample security against the revival of any disputes, once settled by the Survey Department.

24. All the more important of these disputes are of long standing, and, in the majority of cases, the land has been waste from time immemorial, and rendered of little value to any party, by having been converted into a contested grazing ground for the cattle of the several villages claiming any part of it. There is generally no evidence whatever in proof of the original limits, beyond a few vague entries in some of the old village papers, which, even if we could depend upon their authenticity, cannot be relied on as affording a true statement of the extent of the dispute at the time they were written; since it was frequently the interest and practice of the village accountant to enter the dispute as larger than it really was, in order to obtain from Government a corresponding deduction from the rental due from the village.

25. Such being the case, it seems aiming at impossibilities to attempt to restore with exactness the original boundaries; and any expensive or elaborate investigations having this object in view, would prove labour in vain, and would, by investing the case with undue importance, be found to strengthen the animosity of the contending parties, and to excite on both sides a renewed desire for victory; so that the very elaborateness of the means taken to secure a just

decision, instead of promoting that end, would seem to raise an additional barrier in the way of a satisfactory settlement. The less importance, therefore, attached by the authorities to these disputes, the more readily will their adjudication be effected and acquiesced in. Moreover, the partition of the disputed land, however made, can hardly fail to confer a benefit on all the parties interested, by enabling them to bring their assigned portions under cultivation, and to obtain a certain and often valuable return, in place of a contested pasturage shared by all, and conferring little benefit on any.

26. We shall now propose some general Rules applicable to the settlement of such disputes; and in framing these, we have kept in view the importance of such a mode of settlement as may best facilitate the survey operations, and so prove least expensive to Government. The occurrence of cases of disputed boundaries in the course of the detailed survey of the village, has caused more interruption to the work than perhaps all other sources of delay combined, and it would, therefore, be of the utmost advantage to make the definition of village limits and settlement of disputes, wherever practicable, preliminary to the operations of the regular establishment, which is also the plan followed in the North-Western Provinces.

RULES.

1st.—Before proceeding to the regular survey of a District, a few experienced Surveyors should be deputed to define, through the co-operation of the villagers, and aid of the local Revenue Officers, the limits of each village, and secure their preservation, by proper land-marks, and the preparation of a descriptive record or map for the use of the regular surveyor.

2nd.—Before proceeding to define the limits of any village, previous notice should be given, to secure the attendance of the parties interested, and in the absence of any dispute, the boundaries should be marked off as pointed out by them.

3rd.—In event of the occurrence of a dispute, where the land is cultivated by both parties, the line of boundary is to be laid down according to actual possession.

4th.—Trivial disputes, not noticed in the village papers, to the extent of a few feet on either side of the possible line of boundary, to be settled summarily on the spot by the Surveyor

5th.—In any case of a dispute, when the parties consent to abide by the award of one or more arbitrators, an agreement to that effect to be taken from them in writing, and the boundaries laid down accordingly.

6th.—In cases where the Surveyor cannot obtain the consent of the parties to refer the disputes to arbitration, the aid of the Mamlutdar, or other local Officer, should be called in, who should use all his influence to effect an amicable settlement; but failing this, and in event of the dispute being of recent origin, and not noticed in the village papers, he should himself inquire into and decide upon the line of boundary, which should immediately be marked off by the Surveyor.

7th.—Disputes of old standing, recorded in the village papers, of which the local Officer may fail to effect a settlement, should be left over for adjudication by the Survey Officers, who, after a careful consideration of the evidence adduced by the contending parties, should decide upon the line of boundary, and have the marks laid down accordingly.

8th.—The settlement of disputes between Government and alienated villages, which the parties will not consent to submit to arbitration (or where this course may be unadvisable from an apprehension of collusion), should be made by the Survey Officers, as in the preceding rule; but, previous to the boundaries being laid down, their awards should be confirmed by the Superintendent, in accordance with the plan already sanctioned by Government for the survey of the Southern Muratha Country, in Mr. Secretary Townsend's letter of 13th December 1844, No. 4475.

9th.—All awards made under the preceding Rules should be in writing.

27. The enforcement of these Rules, which are similar in principle to those of the survey of the North-Western Provinces, we feel convinced, would accomplish the satisfactory settlement of all disputes brought to light in the prosecution of our surveys, and that all trace of them, in the course of a few years, would disappear.

28. It will be observed, that we have confined the formal investigation and settlement of disputes by the Survey Officers, to such as have been already recognised in the Government records, and this we

feel to be absolutely necessary, as the prosecution of the survey would be quite impracticable, were we to extend the same form of procedure to every case, trivial or otherwise, which the villagers may choose to bring forward. The number of such recent disputes will always be found to multiply in proportion to the readiness with which complaints are entertained; and it must be borne in mind, that the true boundary-in such instances is perfectly well known to the contending parties, whose only reason for not pointing it out, is the hope of obtaining some undue advantage by the dispute; while on the other hand, when no encouragement is afforded to the prosecution of such idle claims, the villagers soon come to an understanding amongst themselves, and find the advantage of at once pointing out the true boundaries.

29. The plans for the definition of the limits of villages and fields having now been laid before you, the next question for consideration is, the most suitable mode of accomplishing a sufficiently accurate survey of the land, and recording the results of the operation. It seems unnecessary to attempt any detailed description of the various possible methods of field surveying, and we shall therefore confine our attention to that which experience has led us to adopt in the surveys under our control.

30. The measurements of the former Deccan Survey were confined to the ascertainment of the area of the different fields into which the village is divided, and the preparation of a descriptive record of their names, tenures, and boundaries.

31. The present Deccan Surveys were commenced with the same objects, and on the same plan of measurement; but, as the work proceeded, the imperfections of any kind of descriptive record of boundaries, especially in the case of irregularly shaped fields, became apparent, and led to the super-addition of a rough sketch map, framed for the purpose of exhibiting the position and shape of the fields, but without aiming at any degree of accuracy with respect to area. This was a great improvement on the original descriptive record, but it was subsequently found, that the ordinary plan of measuring, with the cross-staff and chain, was compatible with the accurate protraction of its results upon paper, and that without the aid of theodolites, or other instruments for measuring angles, or any new processes of survey, field and village maps, possessing a degree of correctness sufficient for all practical purposes, could be constructed.

32. The want of an accurate village map had been noticed by the Government of India as a marked defect of the Revenue Surveys of this Presidency, and the advantages of such a document, whether as regards revenue, or generally administrative purposes, are so unquestionable, that the present plan, by which we are enabled to furnish it, cannnot but be regarded as a marked improvement on the former method. It was not at first anticipated that these maps would prove sufficiently correct for topographical purposes; but our expectations upon this head have been more than realized, and the village maps are found to possess a degree of accuracy sufficient to admit of their being united, so as to form a general map of a district or collectorate, without any further aid than is derivable from Major Jopp's maps, on which the positions of the principal places are correctly given: or, failing this, from a triangulation surbordinate to that of the grand trigonometrical survey.

33. Thus, while the village map affords the most minute information as to the position, size, and limits of fields, roads, water-courses, &c. comprised within the village limits, the district map may be made to exhibit, with equal accuracy, the relative positions and extent of villages, topographical features of the country, and a variety of other information calculated to be useful to the local Revenue and Judicial authorities. These maps do not add materially to the cost of the survey, and as their protraction leads inevitably to the detection of any serious errors in the measurements, they afford an important security against inaccuracy, and may be considered to be among the most valuable documents connected with our operations.

34. We are of opinion, then, that the system of measurement should embrace the construction of accurate field, village, and district maps, even where local difficulties may cause the expense of the measure to be much greater than it has hitherto proved. The ordinary measurements by the chain and cross-staff, from which the maps are usually constructed, are inapplicable to the survey of mountainous and difficult tracts of country, where the theodolite would require to be resorted to, but as the two modes of survey may be easily combined, and there is no difficulty in instructing the more expert of the Native Surveyors in the use of the theodolite, we do not consider that any serious obstacles exist to the extension of the plan of operations we have recommended to all parts of the country where a Revenue Survey may be considered desirable.

35. We do not deem it necessary to enter into technical details regarding the construction of these maps, further than to express our opinion that those for the villages should be on a scale large enough to define clearly the limits of fields, so as to admit of the maps being used for ordinary Revenue purposes, as well as for renewing any boundaries wilfully or accidently obliterated, and for this purpose, we recommend the adoption of a scale of from 20 to 40 goonta chains (of 33 feet each) to the inch, according to the size of the divisions, unless these happen to be unusually minute, when it will be necessary to give a separate map of such portions on a larger scale. For the district maps, a scale of two miles to an inch would generally be sufficient to exhibit clearly the limits of villages, and the topographical features of the country, without making the entire map inconveniently large. To multiply copies of these maps in the most economical and accurate manner, as well as to guard against any future fraudulent attempt at alteration, we think it highly desirable that they should be lithographed.

36. As regards the accuracy to be considered necessary in the measurement, errors to the extent of five per cent. would not affect the utility of the operation for Revenue purposes; but, as a much higher degree of accuracy than this can be attained without any sacrifice of labor and time, we think that in a plain country the average error ought not to exceed one per cent, and not more than two per cent in any district sufficiently level to admit of its being measured by the chain and cross-staff.

37. In the preceding remarks upon the measurements, it will have been observed, that we have confined ourselves to the results, without entering into a detail of the various processes by which they should be obtained. And we have done so, because these results are of an absolute and invariable character, capable of being arrived at with equal certainty by many modes, each of which may have its peculiar advantages under particular local circumstances. It seems, therefore, unnecessary, and would in many instances be hurtful, to fetter the Superintending Officers with specific Rules, which could hardly be so framed as to be suitable in all cases.

38. In treating, however, of the classification of the land, which next demands our attention, we shall adopt a different course, because the results of this operation are of a much less determinate character than those of the measurement, and do not admit of being ascertained with any thing approaching to mathematical exactness. The method

of procedure becomes greatly more important in the former than the latter case, as upon it will necessarily depend the uniformity and accuracy of the work.

39. The object sought to be attained by our system of classification, is the determination of the relative values of the fields into which the land is divided, during the process of measurement. The circumstances affecting the values of fields within the limits of the same village, where the climate may be considered uniform, are, their natural productive capabilities, their position with respect to the village, as affording facilities or otherwise for agricultural operations, and, in the case of garden and rice lands, the supply of water for irrigation. In estimating the relative values of fields, the whole of these might be considered together, and the resulting estimate of their capabilities recorded by the assessor; or the latter might record his estimate of each particular by itself. The former system, by requiring a judgment to be given on a consideration of so many distinct and varying particulars, is evidently dependent for the accuracy of its results on the ability, experience, and integrity of the assessor, and to secure any thing approaching to uniformity would require a very high standard of qualifications in the agency employed.

40. Such an agency, however, is unobtainable; for it is not possible to collect men of sufficient ability and experience; and even if it were, we could not depend on their integrity; so that it becomes a matter of necessity to frame a system of operations sufficiently clear and definite to admit of men being trained for the duty, and to enable us to keep up an effective check upon their proceedings. To accomplish this object, we have been led to separate and define, as far as possible, the various elements which combine to make up the value of a field, and, from these, to frame such a system of classification as will leave little to the uncontrolled judgment of the classer. With this view, we have found it desirable to estimate, separately, the intrinsic capabilities of the soil, all extrinsic circumstances affecting its value, and the facilities it may possess for irrigation.

41. With respect to the first of these points, in the plan of operations we have to recommend, we have retained the practice of referring every variety of soil to one of nine classes, which experience has proved to afford a sufficiently minute classification for all practical purposes. But in preference to trusting entirely to the judgment of the classer for determining to what class any particular soil should be

referred, we have framed a set of Rules for the purpose of determining the soils which should fall into each class. The fertility of a soil in this country, or at least in all parts of it to which our operations have yet extended, being chiefly dependent on its power of imbibing and retaining moisture, and as this quality is mainly affected by depth, we have chosen the latter peculiarity as the principal regulating influence in the formation of our scale of values.

42. There are numerous varieties of soil, known amongst cultivators by peculiar characteristics and distinguishing names; but, as many of these differ little, if at all, in fertility, and our classification has reference to the latter consideration alone, it would be out of place to notice in it any thing beyond the mere question of value. If all soils of the same depth were of uniform fertility, the depth alone would suffice to determine their class, but this is not the case. There are pure soils, that is to say, of uniform texture, and free from any admixture of deteriorating ingredients, which, although of one uniform depth, yet vary in fertility. Such soils are not numerous, however, and we deem it sufficient for the purpose of valuation to range them all under three orders, which again are distributed among the nine classes of our scale, on a consideration of their depth, as will be readily understood from the following table :—

Class.	Relative value of Class in annas or 16ths of a Rupee.	Soils of the 1st Order. Of a fine uniform texture, varying in color from deep black to dark brown.	Soils of the 2nd Order. Of uniform but coarser texture than the preceding, and lighter also in color, which is generally red.	Soils of the 3rd Order. Of coarse, gravelly or loose friable texture, and color varying from light brown to grey.
		Depth in Cubits.	Depth in Cubits.	Depth in Cubits.
1	16	1 3/4	..	..
2	14	1 1/2	1 3/4	..
3	12	1 1/4	1 1/2	..
4	10	1	1 1/4	..
5	8	3/4	1	..
6	6	1/2	3/4	1
7	4 1/2	1/4	1/2	3/4
8	3	..	1/4	1/2
9	2	..	..	1/4

43. The first column of this Table contains the nine classes of our scale; the second, the relative values of these, estimating the highest at 16 annas, or one Rupee, which is the mode of valuation most familiar to natives. We have found by experience that a greater depth than $1\frac{3}{4}$ cubits, or about 3 feet, does not affect, to an appreciable extent, the fertility of soils, and we have therefore adopted this as the maximum in the case of the 1st and 2nd orders. Soils of the 3rd order are rarely found of a greater depth than one cubit, which we have made the maximum, as any occasional depth beyond this adds nothing to their value.

44. The depths entered in the Table determine the classes to which the several orders of soils belong, wherever they are found free from an admixture of particular substances, or unattended by other circumstances which diminish their fertility. These deteriorating influences, when of sufficient importance to require a soil to be entered in a lower class than indicated by its depth, we denominate faults. Those of ordinary occurrence, we propose to distinguish by the following conventional marks, as a short and convenient method of recording them in the classer's field-book.

	Denotes a mixture of minute fragments or nodules of limestone.
v	Denotes a mixture of sand.
/	,, sloping surface.
×	,, want of cohesion amongst the constituent particles of the soil.
^	,, a peculiar mixture, more or less impervious to water.
~	,, liability to be swept over by running water.
□	,, ,, an excess of moisture from surface springs.

45. These comprise all the important faults we have hitherto met with, and one such lowers the soil in which it is found a single class; two lower it two classes; three, three classes; and so on, as will be shown in a subsequent example.

46. Extrinsic circumstances affecting the value of a field, but not its fertility, as distance from drinking water, &c., should be noted by the classer in his field-book.

47. For the purpose of effecting the classification of a field, the classer, with the aid of the village map, enters an outline of its shape in his field-book, which he divides by intersecting lines into a number

of equal compartments, sufficiently numerous to give a fair average valuation of the soil by an examination of its depth and quality in each compartment. These particulars, and the class into which the soil falls, are noted within each compartment of the classer's sketch of the field, as shown in the following example.

EAST.

7	4	3	1	2
$\frac{3}{4}$	$1\frac{3}{4}$	$1\frac{3}{4}$	$1\frac{3}{4}$	$1\frac{3}{4}$
6	5	4	3	3
1	1	$1\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{3}{4}$

The figure in the left hand lower corner of each square indicates the depth of the soil, and the number of dots under it, the order of soils to which it belongs; one dot signifying the 1st; two, the 2nd; and three, the 3rd order. The conventional marks in the right upper corner show the faults, each of which degrades the soil one class; from the order of soil, the depth, and the faults, is determined the class of relative value to which the compartment belongs, as indicated by the figure in the left hand upper corner. To take the instance of the lower compartment on the right of the field, the depth is entered at $1\frac{3}{4}$ cubits, and the soil is of the 1st order, as shown by the single dot immediately below. This order and depth indicate the 1st class of relative value, according to the table; but the presence of two faults (a mixture of sand and a sloping surface), indicated by the signs $\vee$ / requires the soil to be entered in the 3rd class, as denoted by the figure 3 in the upper left hand corner of the compartment. It will also be seen from the example, that a particular fault is occasionally entered twice in the same compartment, which means that it exists in so great a degree as to require the value to be lowered two classes, in consequence.

48. When the classification of every compartment is completed, the classer enters in his field-book, below the sketch, an abstract, giving the number of compartments or shares of each class, together with their aggregate value in annas, according to the table; and the sum of

these annas, divided by the total number of shares, gives of course the average relative value of the field in the annas of our scale. This abstract for the field, given in the above example, would be entered as follows:—

Class.	Number of Compartments or Shares.	Value of Shares in annas of the Scale.
1	1	16
2	1	14
3	3	36
4	2	20
5	1	8
6	1	6
7	1	$4\frac{1}{2}$
	10	$104\frac{1}{2}$

10-5 average value.

The average value of the field in this case, is thus shown to be 10 annas and 5 pies of the classification scale.

49. The system we have thus endeavoured to describe possesses the following important advantages: it obliges the classer to give his minute attention to every portion of the field, and, by requiring a separate estimate of the value of each, his judgment is brought to bear on a very limited number of particulars, and the chance of error thereby greatly reduced. The distinct record of the valuation of each share further admits of the operation being tested in its minutest details, so that any error of judgment, or carelessness on the part of the classer, in the valuation of any one share in a field subjected to re-examination, may at once be discovered and brought home to him, even if it should not effect the accuracy of his average valuation of the whole. The determinate character of the rules of this system, and the facility afforded for the application of a minute and searching test, must greatly conduce to the promotion of uniformity in the work of different classers, a consideration of immense importance where a trustworthy and experienced agency is not to be obtained.

50. The system we have described is confined to the ascertainment of the intrinsic capabilities of the soil, without reference to external influences affecting its productive powers, such as climate, or water for irrigation.

51. Climate does not affect in a uniform manner every kind of soil. A change from a dry to a moister climate, for instance, will

generally tend to appoximate the productive powers of the higher and lower descriptions. The latter will benefit to a greater extent by the additional moisture than the former, the superior productiveness of the better soils in a dry district being, in a great measure, due to their retaining moisture sufficient to enable them to resist the effects of drought, an advantage which will be of less moment wherever droughts are of rarer occurrence.

52. This alteration in the relative values of the classes might be effected by increasing or diminishing the depth required to place a soil in a particular class; but, rather than disturb the uniformity of our system, we prefer to make the requisite adjustment by an alteration in the relative values of the several classes entered in col. 2 of our Table. By this means we are enabled to make the necessary modification at any subsequent period, when we have obtained sufficient information for the purpose; whereas the alteration in the depths of the Table would require to be made on commencing the classification of a district, when our knowledge of its peculiarities is comparatively limited. Such alterations, however, are rarely necessary, as the lowness of the assessment should of itself suffice to cover all the more minute variations of value, arising from difference of climate.

53. But, while climate does not greatly affect the fertility of the several classes of soils, with reference to each other, it constantly and materially influences the productive powers of any one class in different districts, and sometimes in different portions of the same district. Distinctions of the latter description, however, do not in any way affect the relative classification of the soils, though they form a chief consideration in determining the absolute amount of the rates of assessment for the districts or localities in which they prevail.

54. Irrigation greatly augments the productive powers of the soil, and whenever there is a command of water for this purpose, it becomes a very important element in fixing the assessment of the land for which it is available.

55. Irrigated lands may be distinguished by the terms *garden* and *rice*. This distinction is not absolute, as rice is frequently grown in garden land, but rice land, properly so called, is that in which rice is the ordinary, if not the only, irrigated crop grown. Irrigated lands may again be divided into such as are watered from wells, from dams across rivers or streams, from tanks, or from wells combined with either of the two latter.

56. In classing gardens irrigated from wells, the chief points to be considered are the following :—

1st.—The value of the soil, as determined by the classification already described.

2nd.—The supply of water in the well.

3rd.—The depth of the well.

4th.—The quality of the water, whether sweet or brackish.

5th.—The sufficiency, or otherwise, of extra land under the well, to allow of a rotation of wet and dry cropping.

6th.—The distance of the garden from the village, as affecting the cost of manuring.

57. Of these elements, the supply of water in the well is of most importance, and should be determined by an examination of the well, and inquiries of the villagers, in addition to a consideration of the nature of the crops grown, and the extent of land under irrigation. This is the most difficult and uncertain operation connected with the valuation of the garden, especially in the case of wells which have fallen into disuse, and therefore that to which attention should be particularly directed in testing the estimate of the classer, and fixing the assessment of the garden. The remaining elements admit of being determined with accuracy.

58. In deducing the relative values of gardens from a consideration of all these elements, which should be separately recorded by the classer, it would greatly facilitate the operation were the extent of land watered always in proportion to the supply of water in the well. But it is not so; as in many instances the extent capable of being watered is limited by the dimensions of the field in which the well is situated, or the portion of it at a sufficiently low level; and in others, supposing the capacity of the well to be the same, and the land under it abundant, the surface watered will be more or less extensive, as the cultivator finds it advantageous to grow the superior products which require little space, but constant irrigation, or the inferior garden crops, which occupy a more extended surface, but require comparatively little water.

59. Wherever the extent of land capable of being watered is not limited by the dimensions of the field, the most convenient method of determining the portion of it to be assessed as garden land, is to allot a certain number of acres to the well, in proportion to its capacity.

By this means the most important element of all is disposed of, and our attention in fixing the rate per acre restricted to a consideration of the remaining elements, which are of a more definite nature.

60. The relative importance of these elements varies so much in different parts of the country, that we find ourselves unable, after a careful examination of the subject, to frame a rule for determining the value to be attached to each, and the consequent effect it should have upon the rate of assessment under all circumstances. It must be left to the judgment of the Superintending Officer to determine the weight to be assigned to each circumstance affecting the value of garden land, and, this determined, it will be easy to form Tables or Rules for deducing from these the relative values of garden land, under every variety of circumstance.

61. In the valuation of garden land irrigated from dams or tanks, fewer circumstances require consideration. They are generally limited to the supply of water, and the quality of the soil, although it is necessary, in some instances, to allow for distance from village. In this description of cultivation there is seldom a rotation of dry cropping, and, consequently, the assessment must be placed on the land actually watered, which prevents the supply of water being estimated by fixing a certain number of acres to each garden, as in the former case, and it becomes therefore necessary to class the supply of water with reference to its abundance and duration. These particulars are ascertained from the number of months of the year in which the water flows, and the nature of the crops produced. The class of water thus determined, and the class of soil, as fixed by the system already described, combine to give the relative value of the land irrigated.

62. In cases where garden land is irrigated, partly from wells, and partly from dams and tanks, the important point to ascertain is, which is the chief source of supply. This is valued, in the first instance, according to one of the methods just described, and the rate so obtained enhanced in proportion to the value of the aid derived from the minor source of supply.

63. In rice, as in other irrigated lands, the chief points to be considered are the supply of water, the nature of the soil, and facilities for manuring. The supply of water is often wholly, and always to a great extent, dependent on the ordinary rains. In some parts of the country, to guard against the effects of intervals of dry weather occurring in the rainy season, small tanks are formed, from which

the rice may be irrigated for a limited period. In estimating the supply of water, there are two distinct circumstances, therefore, to be considered, viz. the inherent moisture resulting from the position of the field, and the extraneous aid derived from tanks, or from channels cut to divert the water from the upper slopes into the rice grounds below. The weight to be given to each of these elements, in the classification of the supply of water, depends so much upon local peculiarities, that we feel it impossible to frame a system of universal application; and, consequently, the determination of this point must be left to the judgment of the Superintending Officer. All that we can do, is to indicate the principles according to which, as we conceive, the operation should proceed.

64. The classification of the soil should be effected by a system similar in principle to that already described, though modified in details to meet the peculiarities of different districts. But the circumstances of the rice countries to which our operations have yet extended appear to vary so much, that we have not been able to agree upon any detailed rules for the classification that would be suitable to all.

65. The facilities for manuring rice lands will be determined, as in the case of dry crop soils, by distance from village, or the locality from which manure is procurable.

66. We have now defined, with as great a degree of minuteness as we consider desirable, the various operations of the survey, undertaken for the purpose of distributing the assessment over the fields into which the lands of each village are divided, with reference to their extent and capabilities. It now remains for us to point out what we deem the best mode of fixing the absolute amount of assessment to be so distributed. The first question for consideration is, the extent of territory for which a uniform standard of assessment should be fixed. This will depend upon the influences we admit into consideration with a view to determine the point. Among the most important of these influences, may be ranked climate, position with respect to markets, agricultural skill, and the actual condition of the cultivators. The first of these may be considered permanent; the second and third, less so; and the fourth, in a great measure, temporary. And as our settlements are intended to be of considerable duration, there is an obvious advantage in regulating the assessment by considerations of a permanent character, or, at least, such as are not likely to undergo

any very material change during the term of years (generally 30) for which it is to endure.

67. In determining, then, upon the extent of country to be assessed at uniform rates, we are of opinion that the more permanent distinctions of climate, markets, and husbandry, should receive our chief attention. We should not think of imposing different rates of assessment on a tract of country similarly situated in respect to these three points, in consequence of the actual condition of the cultivators varying in different parts of it. Were we to do so, we should depart from the principle, laid down by the Honorable Court of Directors, of assessing land according to its capabilities, and adopt the objectionable one of doing so with reference to the means of the person holding it. The effect of such a system, by creating different rates of profit upon capital employed in agriculture, would interfere with its natural and most advantageous distribution, by diverting it from lands, actually in cultivation, to the lowly assessed waste of those villages of which the cultivators happen to be poor. By enabling the latter to meet the Government demands, without the application of the same degree of capital and skill required in the case of better cultivated villages, it would foster in the former a slovenly and unremunerative mode of husbandry. By taking into account an element so uncertain and liable to change as the condition of the cultivators in particular villages, the assessment would become less and less suitable, with every improvement in their condition. On the other hand, by basing the assessment on considerations of a durable character, we have the promise of its remaining suitable for a lengthened period, and at the expiration of the term for which it is confirmed, requiring no further alteration than a simple increase or decrease of its amount, as the exigencies of the country and Government might demand.

68. Each collectorate being divided into districts, of which the management and records are distinct, it is an obvious advantage to consider the assessment of each of these divisions separately. And were the points bearing on the distribution of the Government demand alike in all parts of any such division, one standard of assessment would be suitable for the whole. But this is seldom the case; and there is usually such marked distinctions between different portions of the same district, as to require the assessment to be regulated with reference to these. The first question, then, in proceeding to the assessment of a district, is to ascertain whether such distinctions exist,

and to define the limits over which they prevail. This, however, will seldom be a task of much difficulty, or involving any very minute investigations, as marked differences only, calling for an alteration in the rates of assessment, require notice; and within the limits of a single district, three to four classes of villages would generally be found ample for this purpose.

69. The relative values of the fields of each village having been determined from the classification of soils, the command of water for irrigation, or other extrinsic circumstances, and the villages of a district arranged into groups, according to their respective advantages of climate, markets, &c., it only remains, in order to complete the settlement, to fix the absolute amount of assessment to be levied from the whole.

70. The determination of this point is, perhaps, the most important and difficult operation connected with the survey, and requires, beyond all others, the exercise of great judgment and discrimination on the part of the Officer on whom it devolves. The first requisite is to obtain a clear understanding of the nature and effects of our past management of the district, which will be best arrived at by an examination and comparison of the annual revenue settlements of as many previous years as trustworthy data may be procurable for, and from local inquiries of the people, during the progress of the survey. The information collected on the subject of past revenue settlements should be so arranged as to enable us to trace with facility the mutual influence upon each other of the assessment, the collections, and the cultivation.

71. This, in our opinion, can best be done by the aid of diagrams, constructed so as to exhibit, in contiguous columns, by linear proportions, the amount and fluctuations of the assessment, collections, and cultivation, for each of the years to which they relate, so as to convey to the mind clear and definite conceptions of the subject, such as it is scarcely possible to obtain from figured statements, even after the most laborious and attentive study. The information to be embodied in the diagram best suited for our purpose, should be restricted to the land of the district subject to the full assessment; the extent of this cultivated in each year; the assessment on the same; and the portion of the assessment actually realized. This will exclude from the diagram several items of revenue obtained from this land, such as the rent of grazing farms, fruit-trees, sheep tax, &c., indepen-

dent of the assessment hitherto levied on the cultivated land, which is the proper object of our present enquiry.

72. The hucks of hereditary Officers upon cultivated land, however, having to be included in the survey assessment, and as forming a real addition to the burdens on the land, might appropriately be included in the diagram; but as no authentic records of the amount of such hucks actually realized are obtainable, we think it preferable to omit them, and to estimate separately the addition to be made on their account to the collections shown by the diagram.

73. The items of information admitted into the diagram should be alike for each year. They should have reference to the same villages; and in the event of any having lapsed to Government, or having been otherwise transferred during the period embraced in the diagram, for which information for all the years required cannot be obtained, such villages should be excluded altogether; or, if it be considered preferable to include them, a proportionate increase should be made to the entries of the diagram in the case of the years for which exact data may be wanting. The cultivation and assessment for each year should be estimated in the same land measures and the same currency, and an explanation of the value of these afforded.* Every care should be taken to secure the accuracy of the information embodied in the diagram, and the points in which it may be considered imperfect brought to notice.

74. Furthermore, to assist in tracing the causes to which the prosperity or decline of villages, or tracts containing several villages, are to be attributed, independent statements of the annual revenue settlements of each village should be prepared; and from these, again, a general statement for the whole district, or any portion of it, should be framed, and its accuracy tested by a comparison with the general accounts of the Talooka, and from the returns, so prepared and corrected, the diagram should finally be constructed. The nature and amount of the various items of land revenue and hucks excluded from the diagram, should be separately noted, and taken into account in considering the financial results of the proposed assessment.

75. And, finally, with the view of affording the fullest information on this important subject, detailed figured statements should be

* Collections or remissions on account of out-standing balances should be included in the entries of the year to which they relate, though made at a future period.

furnished, exhibiting the source and amount of every item of revenue hitherto derived from land of every description, whether Government or alienated, comprised within the limits of the villages for which an assessment is proposed.

76. The information thus collected and exhibited, with that obtained by local inquiries into the past history of the district, will generally enable us to trace the causes which have affected its past condition; and a knowledge of these, aided by a comparison of the capabilities of the district with those of others in its neighbourhood, will lead to a satisfactory conclusion regarding the amount of assessment to be imposed.

77. But, instead of a particular sum at which a district should be assessed, it amounts to the same thing, and is more convenient, to determine the rates to be imposed on the several descriptions of soil and culture contained within its limits, so as to produce the amount in question. And to do this, it is only requisite to fix the maximum rates for the different descriptions of cultivation, when, of course, all the inferior rates will be at once deducible from the relative values of our classification scales.

78. The rates so determined should be applied to all descriptions of land, alienated, as well as otherwise; for the settlement could not be considered complete, unless the extent and value of alienated land, as well as that under the immediate management of Government, were ascertained and recorded. When the calculation of the assessment from these rates is completed, field-registers, embodying the results of the survey, should be prepared for each village, separately, for the use of the Collectors. These, and the village maps, form a complete record of our operations; and while they and the field boundaries exist, all the important data resulting from the survey will be preserved.

79. It will have been observed that in the description just given of the system of operations we have to recommend, we have confined ourselves, in a great measure, to the statement of principles and results, without entering into details upon points which are not of general application. To have attempted greater minuteness would, without answering any useful purpose, have fettered the operations of the survey by enjoining particular methods of procedure, which local circumstances might render inapplicable. And for this reason, we consider it necessary to allow, with reference to these points, a consi-

derable latitude to the judgment of the Superintending Officer, so as to enable him to accommodate the details of his operations to the varying circumstances of the localities to which they may extend.

80. There are, nevertheless, certain points connected with the interior management of the Survey Departments, which appear to us of uniform application, and sufficiently important to be defined in the shape of general Rules, or principles for future observance. They are as follows :—

1st.—That every operation of the Survey, such as the defining of boundaries, the modes of measuring and mapping, the classification of the soil, &c. should be performed in accordance with definite Rules, which should provide, as far as possible, for every difficulty likely to be met with in practice. The Assistant Superintendents, and every member of their establishments, should be furnished with these Rules, or such portions of them as refer to their particular duties, for their instruction and guidance.

2nd.—Precautions deemed requisite for the prevention of fraud, such as particular methods of recording the survey data, injunctions regarding punctual payments for all supplies, prohibitions against residence in private dwellings, borrowing money from or incurring obligations to any of the inhabitants of villages under survey, &c. should also be embodied in these Rules; and the Survey Officers should be careful to see that they are uniformly acted up to, and not allowed to fall into disuse.

3rd.—No alterations of, or deviations from, these Rules should be made by any Assistant, without the sanction of the Superintendent; and, in order to ensure uniformity, any modification, if generally applicable, should be extended to the establishments of all the Assistants.

4th.—Copies of these Rules, and all important modifications of them, should be furnished by each Superintendent to the other Superintendents of Survey, in order that each may be kept aware of the methods practised on the other surveys, and thus enabled to take advantage of every improvement applicable to his own operations.

5th.—The pay of the members of the native establishments should be regulated, as far as practicable, with reference to the

quantity and accuracy of the work executed by each, and the principles observed in the regulation of pay should be the same in the establishments of all the Assistants.

6th.—Daily, or at least very frequent reports of the nature and quantity of work performed by the members of the native establishment employed in the field, should be transmitted by them to the Assistant Superintendent, that he may be kept exactly informed as to what every person under him is doing, and be able to adopt timely measures for preventing obstruction to his operations. When the establishments are not employed in the field, a record of the daily work of each member should be kept for the information of the Assistant Superintendent.

7th.—A regular and frequently recurring test of the work of the native establishments should be kept up by the Assistants in charge, and monthly Returns, showing the work of each individual employed in the field, as also the extent and result of the test with reference to each particular, should be furnished by the Assistants for the information of the Superintendent.

8th.—All letters to the address of any Assistant Superintendent should be opened and replied to by himself; and in event of his absence, no Carkoon should be permitted to open, read, or reply to such communications.

9th.—The measurement should always be considerably in advance of the classification, and, when practicable, we think it advantageous that these operations be prosecuted under the superintendence of separate Assistants.

10th.—An annual Progress Report should be submitted by the Superintendent of each survey for his department. It should exhibit the quantity of work executed in each branch, the portion of this subjected to test, and the degree of accuracy attained, as well as the cost of the whole; and the same particulars should be given for the work executed under each Assistant. The Report should likewise afford any explanations necessary to enable Government to come to a correct conclusion regarding the operations of the year.

11th.—The proposals for the assessment of each district should be made by the Superintendent, as the Assistants, from their more limited experience, and the circumstance of their duties confining them to particular districts, have not the same opportunities of acquiring all the information necessary for the purpose, and the discussion of their proposals by the Superintendent would occasion a needless prolixity in the correspondence connected with the determination of the rates of assessment. The Superintendent, however, will find it advantageous to consult with his Assistants regarding the state and peculiarities of the districts where they may be employed, as their opinions will often be of much service to him, in forming his own conclusions with respect to the rates.

12th.—All the accounts of the department with the Collector and Civil Auditor should pass through the Office of the Superintendent. The latter should have an Account Current with the Collector, who should make advances on his requisitions to any extent necessary. The survey accounts should be made up for each month, and submitted for audit by the Superintendent; and the Civil Auditor should return them to him when passed. They should then be transferred to the Collector, who then would give the Superintendent a corresponding credit in his Account Current.

The Superintendent should have a similar Account Current with each of his Assistants, making them advances, from time to time, for their own pay and that of their establishments, and giving them credit for signed receipts and similar vouchers forwarded with their accounts, which should be furnished monthly.

13th.—At least two or three seasons before the probable termination of the survey of a collectorate, or other division of the country, the Superintendent should request the instructions of Government regarding the future destination of his department; that, in event of Government contemplating its transfer to another quarter, he may have time to make the necessary arrangements for moving the establishments gradually into the new field, and thus avoid

the risk likely to attend the sudden transfer of so large an agency into a country of which they have no experience, and where the system previously pursued may prove inapplicable.

81. In addition to the points noticed in these general Rules, there are many technical details in regard to which uniformity is desirable; but we consider it would be difficult, if not impossible, for any but those who have a practical knowledge of the working of a survey, to form a correct judgment with respect to them. Furthermore, as these details are not of a permanent nature, and would require modifications to meet local peculiarities, we do not consider that any good purpose would be served by attempting to define them. Greater uniformity than we have endeavoured to enjoin could not, we conceive, be effectually secured, except by placing the several Survey Departments under one controlling authority, fully conversant with the principles and details of a Revenue Survey.

82. Having now completed the first division of our subject, we turn our consideration to "the most suitable means for ensuring the "results of the surveys being turned to the best account, and main- "tained in their original integrity in the future management of the "districts."

83. The introduction of the survey settlement should, in our opinion, be effected by the Superintendent, in conjunction with the Assistant Collector of the district, in order that the latter may become fully acquainted with the system, and the former have an opportunity of observing the practical working of its details and of explaining them fully to the local Revenue Officers in charge of the district, as well as of overcoming any difficulties, and meeting objections, which may present themselves in the course of the settlement.*

84. The future administration of the survey settlements is a subject of the utmost importance, as a successful result cannot be anticipated, unless the details of revenue management be carried out in

* If the Collector himself holds direct charge of the district, he will, of course, be present at the introduction of the survey settlement, as will he also be if the Assistant Collector in charge is not sufficiently experienced to form a correct opinion as to the merits of what is being done; or if, for any other reasons, he thinks proper to watch proceedings. The Assistant himself, though ever so inexperienced, should also be present, for he cannot be in a better school in which to learn the most important parts of his Revenue duties.—*G. L. No.* 6900, *paragraph* 11.

strict accordance with the principles on which the settlements are based. This subject embraces so wide a field, and involves the consideration of so many details, that to attempt to establish the suitability of every proposition we have to make in regard to it, would lead to almost interminable, and, in our opinion, uncalled for discussion; on which account we prefer to submit our views in the form of definite Rules for the guidance of the local Revenue Officers. These rules comprise all the points which occur to us as of sufficient importance to call for notice; but, in submitting them for approval, we wish it to be understood that they should be considered applicable only to the collectorates above the Ghauts, already surveyed, or in course of being so. In other divisions of the Presidency, where the husbandry and revenue system are different, great alterations might be necessary.

RULES.*

G. L. No. 5593 of 1848, para. 25.

1st.—With a view to the improvement of the country and people, the assessment now introduced by the Superintendent Revenue Survey, has been fixed by Government for a period of thirty years, viz. from Fuslee to during which period the full benefit of every improvement, such as the conversion of dry into irrigated land by the digging or repairing of wells and tanks, the planting of fruit trees, &c. will be secured to the incum-

* The Rules here given have been altered, in some instances, from those of the original manuscript Report, in compliance with instructions contained in the Government letters to the Revenue Commissioner, Southern Division, No. 5593, dated 22nd September 1848, and No. 6900, dated 16th November 1849; but the Nos. of the Rules remain unchanged. The paragraphs of these letters, sanctioning the Rules as they now stand, are quoted in the margin opposite each Rule; and remarks by Government, which qualify the application of any of the Rules, are given in foot-notes to the Rules to which they refer. Where alterations have been made, the original reading is given in small type in the margin: words altogether omitted from the original manuscript are given in italics in the margin, and words added to the original manuscript are printed in italics in the body of the Rules.

bent of the land, and no extra assessment levied on that account.*

2nd.—All cesses upon land have been absorbed in the new assessment; consequently, when there are fruit trees in a field, their produce is to be taken by the cultivator, and nothing beyond the assessment placed on the field levied on that account from him; but in the case of valuable fruit and other trees standing in fields *assessed at dry crop rates, and* not in cultivation at the introduction of the survey, and the produce of which it has hitherto been customary to sell on account of Government, the right of property in these trees and of occupancy in the field, should be *offered at a fair upset price, and* sold once for all by public auction to the highest bidder, and nothing in excess of the survey assessment thereafter exacted. But, if no one offer to undertake the cultivation of the field on these terms, the produce of the trees may be sold annually, according to custom.† G. L. dated 28th February 1849, No. 1496.

* A proclamation to the effect of Rule 1 should be published when the revised rates are introduced in the District, and every Patell should be furnished with a copy.—*G. L. No.* 5593 *of* 1848, *paragraph* 25.

Any holder of a Government field wishing to appropriate a portion of the arable land contained in it for some purpose unconnected with agriculture, as in order to build a temple, or a Dhurumsalla for the use of travellers, or a tank to provide water for public purposes, and not for irrigation, and desirous of obtaining a remission of the assessment on the land to be so appropriated, must obtain the consent of the Collector before proceeding with the work; otherwise, he will have no claim to any remission of the assessment, and any petition he may afterwards make on the subject will be disallowed. This rule, however, is not to be interpreted as in any way restricting the right of the occupant to dig wells, construct tanks for irrigation, erect farm buildings, or in any other way to expend money on his field for agricultural purposes without reference to the Collector, secured to him by the 1st of the Survey Rules.—*G. R. No. 3053 of 27th May* 1853.

† An occupant may sublet, or dispose, in any way he pleases, of trees bought under this Rule.

An occupant's right, or a right derived from him over trees

G. L. No. 5593 of 1848, para. 25.

3rd.—No field is to be let for less than the full survey assessment, on account of its having been long waste, over-run with jungle, or any other reason whatever.

G. L. No. 6900 of 1849, para. 5.

4th.—In the Survey Registers, in the case of fields containing garden and rice land, the said land is entered at so many acres bearing a certain assessment, or the latter is laid upon the well in the case of garden land, without the irrigated acres being specified. This assessment is invariably to be levied, and nothing more, whether a greater or less number of acres, or none at all, be cultivated with garden or rice crops; and should there, now or hereafter, be garden or rice land in any field not entered as having such in the Survey Registers, no extra assessment is to be levied on that account; the dry crop assessment therein entered is alone to be levied. In the Registers, also, a deduction is made on account of barren [a] land in certain fields, and the assessment placed on the arable land alone; but, in event of the cultivator bringing any portion of the land deducted as barren [b] into cultivation no extra assessment is to be levied on that account; the assessment on the field entered in the Register is alone to be levied.*

[a] Unarable.

[b] Unarable.

bought under this rule, holds good only so long as he retains the occupancy of the Revenue Survey No. in question: should he resign the No., or transfer the occupancy to another person, the right over the trees lapses, or is transferred to the new occupant.

In case an entire Revenue Survey No. containing trees should be resigned, or lapse to Government on failure of heirs, the occupancy should be sold on account of Government at a fair upset price with the trees. The disposal of occupancies comprising parts of Revenue Survey Nos. is provided for by Rules 7 and 8.

* This does not apply to a tank included in a Revenue Survey No. and deducted as unarable, watering other lands besides those included in that No. The occupant is not permitted to cultivate the area of the tank so deducted after the water has dried up.

5th.—Every cultivator in whose name any field, or share of a field, on whatever tenure held, is entered in the village cultivation returns, is to be considered the holder of such field or share; and so long as he shall continue to pay the survey assessment due on it, he cannot be ejected or deprived of his right by any revenue authority; but, in event of his failing to discharge the full assessment, Government reserves the power of ejecting him from any field or share of which the assessment shall at least be equal to the balance outstanding, the defaulter retaining, however, the privilege of determining the particular field or fields to be so relinquished; *and in cases when the tenure precludes summary ejectment, the Collector will observe the forms necessary to give his orders the force of a legal decree.**

G. L. No. 6900 of 1849, paras. 3 and 4.

6th.—In event of a holder of Government land dying, his fields or shares are to be entered in the name

G. L. No. 5593 of 1848, para. 29.

* Your 10th para. (Revenue Commissioner's letter, dated 10th Sept. 1847, No. 2258) inculcates a prudent caution in respect to the insertion of the names of parties as the holders of fields. Care should be taken that the real holder is well ascertained; and if there be a dispute, no entry should be made in the Survey Books that can give one party a right which he might not on inquiry be found to possess. It is a great object to establish our Survey Books as a complete record of the state of the occupancy at the time of the operation.—*G. L. No. 5593 of 1848, paragraph 28.*

In the Superintendent's remarks in paragraph 20, on the subject of Rule 5th, I quite concur, for he admits the only exceptions for which I wished to contend in my letter of 10th September 1847, viz. cases which "have been fraudulently, or through mistake, omitted to be entered." That such cases must be guarded against, Government have decided in paragraph 28 of the letter under reply, and important as I admit the rule to be, justice, I think, requires that the exception should be borne in mind.—*Rev. Commr.'s letter No. 3195 of 1849, paragraph 6.*

In the remarks made by you in paragarph 6, regarding the other provisions of this Rule, Government concurs.—*G. L. No. 6900 of 1849, paragraph 4.*

Rule 6 is approved, provided no Meerasdaree, or recognised heritable right, is interfered with.—*G. L. No. 5593 of 1848, paragraph 29.*

of his eldest son or next heir, should he or his representatives agree to take them.

G. L. No. 6900 of 1849, para. 7.

7th.—When two Ryuts hold a field, and one of them relinquishes his share, or dies without heirs, the share thus lapsing is to be offered, in the first instance, to the other sharer before it is offered to any other party; and, in event of the said sharer declining it, and no other party applying to take it up, the former must relinquish his share too, and allow the whole field to become waste.

G. L. No. 6900 of 1849, para. 7.

8th.—When there are more sharers than two in a field, and any of them relinquishes a share, or dies without heirs, it should be offered, as above, to the sharers, in the first instance beginning, in event of their failing to settle the matter amongst themselves, with the largest sharer, and so on to the least. If none of these, nor any other party be found to take up the relinquished share, the whole field must be thrown up.*

G. L. No. 5593 of 1848, para. 31.

9th.—Whoever has a field, or portion of one, entered in his name in the Government accounts, may have

Rules 7 and 8 should, in the opinion of Government, be relaxed only in cases in which any of the co-sharers in the field have held possession of their land for upwards of 20 years, and then never but in cases in which the Collector himself or an experienced Assistant may consider the relaxation absolutely necessary to prevent considerable hardship being entailed on individuals.—*G. L. No.* 6900 *of* 1849, *paragraph* 7.

* Resignations of parts of Joodee Inam Revenue Survey Nos. are not permissible. This Rule does not, however, extend to transfers of such shares as may be made in accordance with Rule 9.

When a Joodee Inam Revenue Survey No. is held in shares, and one of the sharers dies without heirs, or otherwise vacates his share, in the event of the remaining sharers failing to settle the matter among themselves, the payment of the Jodee due on the lapsed share should be required from each sharer in succession, beginning with the holder of the largest share. If none of them consent to pay the Joodee on the lapsed share, the Joodee tenure of the whole Revenue Survey No. will be considered as resigned, and the No. will be entered as Khalsat.—*G. R. No.* 609, *of* 27*th February* 1856.

the said field or portion transferred to the name of any other person agreeing to cultivate the same, on his making a written application to that effect in the usual " Razeenama," or petition to resign.*

10th.—Proprietors of Enam, Joodee, and Meeras lands, having possession of the same, have the right of cutting down or otherwise disposing of all trees growing therein, *and also holders of Government fields, of which they have been in uninterrupted occupancy from a period anterior to the age of the trees, or for a period of twenty years, or who have purchased the trees under the provisions of Rule* 2.

G. L. No. 5593 1848, para. 32, and G. L. No. 390 of 12th February 1847.

11th.—Holders of Government fields *besides those specified in preceding Rule*, or occupants of Meeras, Joodee, or Enam lands, holding the same from Government[e], must obtain permission to cut down trees, and will, in event of permission being given, be required to plant two trees for every one cut, unless exempted from this condition by order of the Collector. The permission to cut trees under this Rule, and also trees in Government waste fields, for any purpose connected with agricultural operations, to be granted by the Patel and Koolkurnee on application, a record thereof being kept for the inspection of the Government Officers. For other actual and immediate wants of the villagers, such as repair of houses, &c permission to be obtained from the Mamlutdar or Muhalkurree; but for cutting any large number, or for any purpose of sale or profit, the permission of the Collector or one of his Assistants to be necessary, when any

G. L. No. 390 of 1847, and G. L. No. 6900 of 1849, para. 12.

[e] have permission to cut down Babool, Date, and all young timber trees, with the exception of those growing on the boundaries, which are to be preserved as land marks, and fruit or large timber trees, none of which are to be cut down, without permission from the district revenue authorities, unless the property of the holder, by purchase, under the provisions of Rule 2.

* The transfer includes the right over trees, houses, and every thing immoveable in the occupancy transferred.

conditions which may appear advisable can be imposed.*

G. L. No. 5593 of 1848, paras. 34 and 36, and G. L. No. 6900 of 1849, para. 8.

12th.—In taking up waste for cultivation, a Ryut must agree for a whole survey field at the full assessment, and no portion of a field is, on any account, to be given for this purpose, except in the case mentioned in the next Rule; and, when two or more cultivators agree together to cultivate a waste field, it must be entered in the name of one of their number, who will be considered the holder *unless the assessment of the field amount to, or exceed, twenty Rupees, in which case it may be entered in the names of two or more holders, on the condition that the assessment of the share of each shall in no case fall short of ten Rupees.*†

G. L. No. 6900 of 1849, para. 6.

13th.—There are some survey fields, consisting in great part of [d] land covered with dense jungle, or otherwise unsuited in their present state for cultivation, upon which no assessment is placed in the Survey Registers. In the event of portions of such fields being brought under cultivation, rates of assessment should be fixed by the Mamlutdar upon the acres under tillage, equivalent to those of similar soils in the same village. *This rule applies to all fields in the Survey Registers on which rates of assessment have not been fixed.* ‡

[d] *Unarable.*

G. L. No. 5593 of 1848, para. 39.

14th.—Unless special exceptions be made by the Collector, of valuable grass lands, certain to realize

* The purchaser of the Toddy farm has no right whatever over date trees in occupied land; his farm is confined to the date trees standing in unoccupied land.

† This rule only applies to unoccupied waste land on being first taken up, not to occupied land, even though bearing assessment over 20 Rupees, or to land which has been resigned since the settlement.

‡ Reference to be made to the Survey Department, so long as it is in existence in a district for fixing the assessment of land required for cultivation, and unassessed in the first instance.—*G. R. No.* 1069, *of 2nd April* 1856.

rents in excess of the survey assessment, the grazing of all waste Government and Meeras land is annually to be sold by auction, field by field, at the commencement of the monsoon, a preference being given, at the sale, to the inhabitants of the village to which the land may belong. The bidding, however, for any waste field should not be allowed to go beyond its assessment in the Survey Register, and when it reaches this point, the field should be entered in the name of the last bidder, as other cultivated land held at the full assessment, and the person so taking it admitted to all the privileges of a holder of land under tillage.*

15th.—The grass of fields especially excepted by the Collector from the operation of the preceding Rule, may be sold by auction to any one, for sums in excess of the survey assessment. G. L. No. 5593 of 1848, para. 39.

16th.—[e] The grazing of the unarable and other fields not subjected to assessment in the Survey Registers should be sold by auction by the Collector, as in the preceding Rule, a reasonable proportion being set aside for the free pasturage of such villages as have hitherto enjoyed this right.† G. L. No. 6900 of 1849, para. 13.

[e] Of unarable land, and other fields not subjected to assessment in the Survey Register, a reasonable proportion, with reference to the size of the village, should be set aside by the Collector for the free pasturage of the village cattle, and the grazing of the remainder sold by auction as in the last Rule.

* In the vicinity of the Ghauts, and in some other districts, the quantity of land available for grazing is much more than can be required by the villagers; in these cases, the Officer in charge of the district will set apart a portion of grazing land in each village sufficient for the reasonable requirements of the villagers.

This reserved portion will be bid for exclusively among the villagers, and the remainder will be open to the bid of any one.

† The time of selling the grass privileges is left to the discretion of the Collector, who must take care to provide against loss from unseasonable sales of the Farms.—*Para. 6 of G. R. No.* 11093, *of 26th November* 1851.

Land assigned at the settlement as free common, or for any public purpose, is not to be resumed or devoted to any other pur-

G. L. No. 5593 of 1848, para. 42.

17th.—In some villages houses are attached to particular fields, and it has been customary to oblige a Ryut, throwing up one of these fields, to relinquish his house at the same time. This custom, however, is now abolished; and every cultivator is at liberty to throw up any field without his title to his house being at all affected thereby. This Rule does not apply to the case of alienated lands.

G. L. No. 5593 of 1848, para. 42.

18th.—In the Survey Registers an assessment is placed on Joodee and Enam, as well as Government fields, but the Joodeedars and Enamdars are not bound thereby, and are at liberty to let out their lands on any terms they please.

G. L. No. 5593 of 1848, para. 42.

19th.—In event of Enam land being confiscated, or temporarily attached, it is to be let out, while under Government management, at the survey assessment, or sold by auction, if waste, exactly as Government land. This Rule does not apply to the year in which the attachment is effected, for which the existing agreements made with the Enamdar should be allowed to stand.*

20th.—Cultivators wishing to relinquish Fields must give in a written application to that effect (which must specify the No., Acres, and Assessment of every field to be relinquished) to the Village Officers on or before the 30th April in each year. The latter must, without delay, forward the application

pose, without the sanction of the Revenue Commissioner.—*Para. G. R. No. 1036, of 17th February* 1853.

* When an Inam Village already surveyed lapses to Government, the Survey rates may be at once introduced, remissions being allowed for the first season, in the usual way, in all cases where the Survey settlement exceeds the amount of individual payments under the Enamdar's rates.

When the settlement is introduced into lapsed or alienated villages situated in a District already settled, the guarantee will be restricted to the unexpired period of the general lease of the District. This Rule is not however applicable to isolated villages where a 30 years' guarantee was specially given at the time of settlement.

together with the parties concerned, to the Mamlutdar or Mahalkurree; who, after satisfying himself on the subject of it, is to ratify the application, and transmit an order to that effect to the Village Officers, when the latter will make the necessary entries in the village accounts. In the same way, when waste fields are wanted for cultivation a written application is to be made to the Village Officers, who are to forward it, with the applicants, to the Mamlutdar or Mahalkurree, who, after satisfying himself that there is no objection to giving the land applied for, is to accept their agreements, and transmit an order to that effect to the Village Officers. But the latter are not, under pain of punishment, to accept either resignations of fields or engagements for waste, or to make alterations in the cultivation registers without referring, as above required, in the first instance to the District Officer, and receiving his orders thereon. All accepted resignations of cultivated, and accepted applications for waste, lands are to be produced at each Jummabundy Settlement for examination, and will form the vouchers for every alteration in the cultivation Registers.*

21st.—The revenue should be collected by fixed instalments, without reference to the porportion of early or late crops grown in any one year; and, consequently, no field inspection for the purpose of obtaining such information should be made. In villages where early crops prevail, we recommend the collections to be made in four equal instalments, falling due on 15th December, 1st February, 15th March, and 1st May; and, where the early and late crops are nearly equal, or the latter predominate, we also recommend four equal instalments, but respectively

G. L. No. 6900 of 1849, para. 10.

* The purchaser of the grazing of a Revenue Survey No. has a prior claim to the occupation of that No. for the ensuing year up to the 1st January; after that date, the Kuboolayet of any other applicant is to be taken for the ensuing year, without reference to the purchaser of the grazing.

falling due a month later, viz. on the 15th January, 1st March, 15th April, and 1st June.*

G. L. No. 5593 of 1848, para. 46.

22nd.—The field boundary marks erected at the survey should be preserved with the greatest care, and when injured, timely repairs must be made by the cultivators in the case of cultivated lands, and by hired labourers in the case of waste. The expense of the latter may be defrayed by the Collector, without reference, if the sum do not exceed Rs. 5 for every 1000 acres of waste, and, after reference to the Revenue Commissioner, up to Rs. 10 for every 1000 acres. The intervening strips connecting the boundary marks of a breadth corresponding with the latter are constituted the boundary of the field, and forbidden to be ploughed over or otherwise injured; and in the case of dry crop land, before preparing any field for sowing, these strips are to be distinctly marked off each year, by the holder running his plough along the boundary. In event of this order being neglected, and this space ploughed up or sown, the cultivator is to be made to connect the two contiguous marks, between which the boundary had been

Rules (15 and 16) passed by Government on the 20th August 1852.

* "Government is in favour of Rule 21 standing as originally proposed, but will not object to the Collectors being informed, with reference to this Rule, that if they consider necessary any alteration in the 'Kists' therein laid down, they are forthwith to state in detail their reasons for so thinking in a letter to you (Revenue Commissioner), which you will be pleased to forward to Government. The Collectors may be informed in a foot-note to English version."—*G. L. No.* 6900 *of* 1849, *paragraph* 10.

The particular villages in each Talooka to be considered Kurreef or Rubbee villages are to be settled by the Collectors, in communication with the Revenue Commissioner, and no change is afterwards to be made in this settlement without sanction previously obtained from him, and the circumstance being noticed in the Annual Revenue Reports.—*G. L. No.* 4866, *dated the* 17*th July* 1852.

The dates fixed in the Joint Report are those on which the realisations should commence, the revenue should be realised on that day, or as soon after as possible.—*G. R. No.* 11093, *of* 26*th November* 1851.

disregarded, by a continuous ridge of earth, 1½ foot in height; and should he fail to do so within a certain number of days, the village Officers are to report the circumstance to the Mamlutdar, who is to apply to the Collector for a notice to be served on the holder of the field, according to the provisions of Act III. of 1846; and if this be disregarded, the boundary is to be put up by hired labourers, and the amount recovered from him, as therein provided.

23rd.—Independent of the precautions specified in the preceding Rule, a regular inspection of fields, for the purpose of ascertaining the state of the boundary marks, and that none of the fields entered in the accounts as waste are surreptitiously cultivated, is to be made in each village, as soon as practicable, after the 1st of November in each year. The results of this inspection are to be entered in a Field Register, prepared according to the form hereunto annexed. Before, however, commencing the work of inspection, the Carkoon nominated for the duty should summon the villagers to the Chowree, when he should read out and explain to them the Government Proclamation regarding the preservation of their boundary marks, of which a copy is subjoined. He should make the inspection in company with the village Officers, and take care that the owners and occupants of the fields visited be also present. He should point out to them any repairs required to their boundary marks, and order that they be completed within a certain number of days. In event of any of the strips of boundary between the marks having been ploughed over, or otherwise encroached upon, the Inspector should require the party who may have done so to connect the two adjoining marks, between which the boundary has been violated, by a continuous mound of earth, one cubit in height, as a punishment for the encroachment, and make a note to that effect in a separate Memoran-

G. L. No. 5593 of 1848, para. 46.

dum, to be kept in addition to the Register, for the purpose of recording any remarks not admissible there. When every field has been thus inspected, and the state of its boundary marks entered in the Register, a second examination, after the lapse of a sufficient time to allow of the repairs to the marks being completed, should be made of every field entered at the first inspection as requiring repairs. And, should any of these still remain to be made, the party to whose neglect this may be attributed, should be required, in addition to repairing the marks, as originally directed, to connect each incomplete mark with the one adjoining it, by a continuous ridge of earth, one cubit in height; and these particulars, with the name of the individual, should be noted in the separate Memorandum above alluded to. A notice to this effect should then be served on him, in compliance with the provisions of Act III. of 1846, and, in event of his failing to complete the boundary marks within the specified period, the village Officers are to do so by means of hired labourers, and the expense incurred on this account is to be recovered from him, as provided in the said Act. The correctness of the entries regarding boundary marks in the Inspection Register, should be tested in every village by the Mamlutdar, Mahalkurree, or some confidential member of their establishments, and the results of this re-examination entered in the column of the Inspection Register appropriated for the purpose.

FORM OF PROCLAMATION.

The Honorable the Governor of Bombay in Council hereby gives notice to all proprietors, holders, and occupants of land in the surveyed districts of this Presidency, that they are to preserve with the utmost care, and repair from time to time, as may be neces-

sary, the boundary marks which define the limits of their several fields, as fixed at the survey; and with a view to securing this they are hereby directed, before preparing any dry crop field for sowing, to cause a plough to be run round the boundary, leaving an untouched strip, of three cubits in breadth, to connect each boundary mark, which strip is to be carefully preserved as the boundary of the field. An annual inspection of boundary marks will also be made, in the presence of the village Officers and Ryuts, who are required immediately to repair any of the boundary marks which may be pointed out to them by the Inspector as defective. A second examination, embracing those fields of which the boundaries were found incomplete, will follow after a reasonable interval, and should it then be found that the owner, holder, or occupant of any field has neglected to make the necessary repairs he will be required, by way of penalty, not only to make the repairs originally directed, but, in addition, to connect each defective mark with the next adjoining, by a continuous ridge of earth, one cubit in height, and a notice to this effect will be served on him according to the provisions of Act III. of 1846; and in event of his failing to comply with this, the specified boundary marks and connecting ridges will be completed by means of hired labour, and the expense recovered from him as provided in the said Act. Any wilful injury done to any boundary mark is a criminal offence, and punishable by fine to the extent of 50 Rupees, under the same enactment.

Form of Examination.

Register of Field Boundary Marks in the Village of
Talook *Zilla* *in* 18

No. of Field.	Sides of the Field on which Boundaries were out of repair at date of										Tenure.	Government.		Remarks by Mamlutdar, or other testing Officer.
	1st Inspection.					2nd Inspection.						Cultivated.	Waste.	
	Date.	E.	N.	W.	S.	Date.	E.	N.	W.	S.				
1				1							Government.	1		Entries correct.

24th.—From the Inspection Registers described in the preceding Rule, the Mamlutdar of each Talook should prepare and forward to the Collector, on the 1st of May in each year, a General Abstract according to the Form given in the next page, of the state of the boundary marks in each village of his charge, at the different inspections; the repairs subsequently made, and those still requiring to be so, at the date of his Return. Under ordinary circumstances, there ought to be no mark unrepaired at this date, but in event of there being any, the Mamlutdar should be held responsible for the delay, if unable to assign satisfactory reasons for it. On receipt of this Return, the Collector should immediately take measures for the completion of the repairs still to be made; or, if unable to do so, to report the circumstance for the instructions of Government.

G. L. No. 5593 of 1848, para. 46.

85. In addition to the objects provided for in these Rules, it would be most desirable to introduce a simple and uniform system of accounts throughout the surveyed districts, by which the disadvantages now attendant on the removal of European and Native Officers from one Collectorate to another, would, in a great measure, be obviated, as the same system of management would then obtain in all. In order to do this effectually, however, it would be necessary to review the whole existing system, and frame the detailed accounts of villages, districts, and collectorates, with reference to the information required by the Presidency and Home Authorities; but, with our limited time and opportunities, it would be hopeless to attempt an undertaking of such magnitude, and all that we can do is to suggest it for consideration.

86. The subject of remissions has been purposely excluded from the preceding Rules, as we consider that all abatement of the established assessment should be regarded as exceptional to the ordinary management of surveyed districts, and ought not to be made unless for special and urgent considerations, which cannot be provided for by general Rules. The opinions of the Revenue Commissioner, the Collectors, and Superintendents of Survey, have lately been elicited on this important question, which is now, we understand, before

General Inspection Return of the State of the Boundary Marks of the undermentioned Villages of the Talook of in the Collectorate of for the year ending 30th April 18 .

Number of Division (Mamlutdar or Mahalkurree)	No.	Name of Village.	Total Number of Fields.	Distribution of Fields entered in Column 4, of which the Boundary marks were							Remarks.
				In good repair at date of 1st Inspection.	All repaired at date of 2nd Inspection.	All repaired subsequent to date of 2nd Inspection.				Still to be repaired at date of Returns.	
						Without Notices being served.	After Notices had been served.	By hired labor at the expense of			
								The Cultivator or Enamdar.	Government.		
1	2	3	4	5	6	7	8	9	10	11	12
Mamlutdar.	1	Chick Mulloor.	375	200	150	5	10	5	5	..	
	2	Hossoor	457	350	100	1	..	..	6	..	

Government, and under these circumstances we think it unnecessary to offer any further suggestions in regard to it.

87. In concluding our Report, we have only further to remark, that the preceding, or any other Rules for the administration of the survey settlements, cannot be expected to be fully carried out, unless the principles on which the Survey and Assessment have been based, be thoroughly understood by the European local authorities; and, on this account, we have to suggest that, in the event of the views contained in the present communication, or any modifications of them, being approved of by Government, copies of the whole correspondence be furnished to every Collector and Assistant Collector employed in any part of the country to which the survey operations have extended.

We have the honour to be, &c.

H. E. GOLDSMID.
G. WINGATE,
D. DAVIDSON,
Superintendents of Revenue Survey
and Assessment.

Kirkee, 2nd August 1847.

No. 2258 of 1847.

From

E. H. Townsend, Esq.,

Revenue Commissioner, Southern Division,

To

R. K. Pringle, Esq.,

Chief Secretary to Government, Bombay.

Sir,

With reference to paragraph 1 of your letter of 13th March last, No. 617, appointing Mr. Goldsmid to the temporary Superintendence of the Deccan Survey, for special purposes, therein specified, I have the honour to transmit a joint Report from the three Superintendents, dated 2nd ultimo, on the practice and objects of their respective Surveys. This Report is preceded by an Index, which divides its contents into the following eleven heads :—

Received on the 24th August.

1st. Introductory Remarks.
2nd. Objects of a Revenue Survey.
3rd. Division into Fields.
4th. Field Boundaries.
5th. Village Boundaries.
6th. Measuring and Maps.
7th. Classification.
8th. Rates of Assessment.
9th. General Observations.
10th. Rules for the Survey.
11th. Rules for Revenue Officers.

2. The 1st and 2nd heads of this Report extend as far as the 10th paragraph, in which the objects of a Revenue Survey are clearly and ably set forth. No comments of mine would tend to elucidate the subject, of which a full statement is already before Government in the joint Report of Messrs. Goldsmid and Wingate, dated 27th October 1840.

3. The next subject is a very important one, viz. the manner of dividing the land into fields. The principle expressed on this subject (paragraph 16) that "it is "of much importance that the existing state of "things in any village should be as little interfered "with as conveniently practicable," should, I conceive, never be lost sight of, and for this end many apparent incongruities both of size and shape now existing, should be tolerated, a measure which will greatly increase the popularity of the survey. This subject is noticed in paragraphs 5 and 6 of the Government letter of 6th January 1845, No. 72. In the remaining rules and opinions of the Report on this subject, I beg to state my entire concurrence. Paras. 11—21.

Fields.

Boundaries. The vast importance of preserving the field boundaries, set up by the survey, is well shown in this Report; it is a subject which will require the constant attention of the Revenue Officers. Para. 21.

4. Another very important subject, that of village boundaries, is next discussed. The same subject is treated of in paragraph 52 of the joint Report of 27th October 1840, and in the two Government letters, quoted in the margin, from which it would appear that the question of enacting a law for the settlement of these disputes is still before the Government of India. The report states (paragraph 23) "that the main hindrance to their settlement before, had been the undue importance attached to them, and that no insurmountable, nor even serious obstacles stood in the way of their adjustment"; and again (paragraph 25) "the less importance, therefore, attached by the authorities to these disputes, the more readily will their adjudication be effected." I am not prepared to subscribe to these remarks. The Report does not, indeed, distinctly show what degree of importance has Paras. 22—28.

Village Boundaries.

13th February 1843, No. 444.
13th December 1844, No. 4475.

hitherto been attached to these disputes, and which it considers to be too great, or on what experience the above opinions are grounded. Hitherto I have viewed boundary disputes as matters most difficult to settle permanently. The show of opposition to the settling Officer is not, indeed, great; hence, perhaps, he is led to think that his decision will be easily enforced; but the boundary marks which he fixes are demolished in a night, and it is most difficult to discover who has destroyed them. In many villages there are hereditary feuds springing from boundary disputes, in which both loss of life and property have occurred; and though pecuniary loss is sustained by the continuance of such disputes, and mutual advantage would result from their settlement, I doubt whether even this would compensate for the feeling of wounded pride which would ensue from foregoing the strip of land, a claim to which had from times past been asserted by the village.

5. If, however, the Superintendents of the Surveys can permanently settle village boundary disputes as easily as they seem to expect, a great point, indeed, will have been gained, and a constant source of strife removed. This, however, cannot be satisfactorily ascertained, till the lapse of a few seasons shall test the stability of their awards. With reference to the remark at the close of paragraph 23, I can discover no authority in Act III. of 1846 for either the formation or preservation of village boundary marks.

Paras. 29—37. *Village Maps.*

6. The system adopted for measuring land, and for giving permanence to these measurements by village maps, is next explained. The preservation of the latter documents will form an important part of the duty of the Revenue Officers, as they, together with the field boundary marks, form the principal means of perpetuating the work of the survey, which, without them, would speedily disappear.

7. The 7th and 8th heads are so exclusively matters on which Survey Officers, or those experienced in such matters, can judge of, that I shall hardly be expected to pass an opinion on them. Government will doubtless observe with satisfaction, proof in these details of the minute and careful attention bestowed by the Superintendents of the Surveys to render their work complete and correct in the important branches of measurement, classification, and division of assessment. Paras. 29—79.

Measurement and Classification.

8. The next subject which the Report embraces, is a set of Rules for the guidance of surveys generally. These are thirteen in number, and appear excellently adapted for the end proposed. The Report goes on to say that, besides the Rules above specified, there are various minor details, which could hardly be introduced into this Report, and that "greater uniformity than they have endeavoured to enjoin could not be secured, except by placing the several survey departments under one controlling authority, fully conversant with the principles and details of a Revenue Survey." In this opinion I wholly concur; and I would respectfully suggest it for the consideration of Government, viz. the expediency of uniting the three Surveys under one Superintendent, as the only really effective method for bringing all under one system, so far as local peculiarities admit. Para. 80.

Survey Rules.

9. The Report next proceeds to consider "means for ensuring the results of the surveys being turned to the best account, and maintained in their original integrity." This is justly called "a subject of the utmost importance;" it is, in fact, the preservation of the survey system as first introduced in its integrity; and if the survey is important, so must be its "future administration." Twenty-three Rules accordingly follow for the guidance of Reve- Para. 82. Para. 84.

nue Officers in surveyed districts, on which I would suggest the following observations:—

Rule 1st is prefatory, and calls for no remarks.

Rules 2nd and 3rd appear unexceptionable.

Rule 4th fixes the garden assessment. At the end of this Rule there is a clause to prevent any increase of assessment on a dry crop field, when any portion of it, entered in the survey accounts as unarable, comes under cultivation. This clause appears judicious; as it infers that such spots of unarable waste are small, and almost valueless, and consequently that such assessment as they could pay would not be worth the trouble and interference necessary to ascertain its amount. This inference, however, appears at variance with Rule 13, on which I shall have occasion to remark presently.

10. The 5th Rule decides that a cultivator, in whose name a field is entered, is to be considered its holder, so long as he pays its assessment. This Rule will, however, I think, require to be preceded by one, determining in whose name the field shall be entered. Sometimes carelessness or fraudulent intention causes the Koolkurnee to enter in the village books, as possessor, the name of a person who possibly without justice claims the field; but this entry, if improperly made, should not strengthen a claim; and it is, therefore, important that care be taken, in the first instance, to enter in the books the name of the person who engages for the field (no other being already in possession), and then to collect the entire revenue from him alone, so long as he engages for the whole field. A very careless and slovenly system is often followed in this respect, which causes many disputes and much confusion. One man, perhaps, agrees for a whole field: he then takes one or more partners, and when the instalments are due, he pays *a share* only, and refers the village Officers to his partners for the remainder. A case of this sort, which has recently occurred,

See the case of Guenajee wulud Hurcojee, reported on by the Revenue Commissioner on the 24th June 1846, No. 1225.

forms at present the subject of a lengthened correspondence between this department and the Collector of Poona, in which it appears very difficult to discover who is the real owner of the field.

11. The 6th Rule suggests no remark. The 7th Rule, which is a good one for the interests of Government, might fall heavily on a Ryut, who cultivated the same field for many years, and who was unable to take up the portion of it that was left waste by his partner. To oblige a man to give up a field which he possibly inherited from his father, merely because the new boundaries of the survey enclosed it in the same field with that of a neighbour would be a hardship; and I would, therefore, suggest that the Collectors be allowed a discretionary power in the enforcement or otherwise of this Rule, in cases in which the possession of the land exceeded the term of 20 years.

Shares in fields.

12. The above remarks would also apply to Rule 8th, supposing that a field, of the largest size contemplated in paragraph 13 of this Report, is cultivated as here indicated, by three Ryuts, A, B, and C, of whom the first cultivates one half, and the other two a quarter each, and that these divisions have existed for a long period of years. Supposing A to die without heirs, the other two Ryuts might be quite unable to double the extent of their cultivation, and the alternative of obliging them to throw up their lands would be one of considerable severity. Some modification of this Rule, similar to that proposed for Rule 7, would, I submit, be expedient.

A	B	C

13. To Rules 9 and 10, I am aware of no objection. The 11th Rule is not quite conformable with those sanctioned by Government in the Chief Secretary's letter of 12th February last, No. 390, for regulating the power to cut down trees, and which are, I submit, sufficiently liberal, and should not therefore be altered. The 1st Clause of Rule 12

Cutting down of Trees.

appears unobjectionable. With regard to the latter part, supposing the case imagined in the preceding paragraph, A, B, and C agree for a certain field, but it is entered in A's name only. He dies; and as there is no record to show the liability of B and C, it is possible that they may resist payment, and that in a Court of law, it would be difficult to enforce the demands of Government, owing to the non-entry of their respective names in the village books. A more probable result would be the collection by the Koolkurnee of their respective dues from B and C, without crediting them to Government, and the entry of the entire balance in the books as irrecoverable, A, by whom it was due, being dead. To avoid this evil, therefore, I would enter in the books the names of all the partners liable for the revenue of a field.

Waste Land in fields.

14. On what appears to me the inconsistency of Rule 4 with Rule 13, I have remarked when commenting on the former Rule. The cases contemplated in Rule 13 appear to be such fields as contain a large portion of waste land; while Rule 4 seems to refer only to those where the amount of waste is trifling; but the practical application of these two Rules will, I fear, involve some difficulty; and if many fields come under Rule 13, a duty will fall on our Mamlutdars for which, I fear, that they are ill qualified. I should therefore be glad to see the cases to which Rule 13 applies reduced to the smallest number possible, if, indeed, they could not be wholly extinguished, by completing the classifying of all the fields alluded to in this Rule. If this is impracticable, however, a statement should be left with the Collector, showing the fields in each village of his Collectorate to which this Rule is intended to apply.

Grass Farms.

15. The 14th Rule differs little from the system established by Government for letting out arable lands to the Ryuts

(dated 16th October 1844, No. 3621). It is perhaps more definite, and therefore preferable. I allude especially to paragraph 8 of the Government letter, on which I think the Rule under discussion is on the whole an improvement. But Rule 16 reserves "Gaeeran" free of assessment in every village; while the Government letter grants it only where it has been hitherto enjoyed, and here I think that the existing Rule is sufficiently liberal, and that Rule 16 should be modified accordingly.

Unarable Waste.

Unarable waste is at present disposed of by auction, according to the old system, to grazing farmers, who engage for the entire unarable waste lands of several districts. Rule 14 proposes to blend the arable and unarable waste together, in one system of letting by fields. I am hardly prepared to say which system is preferable for the unarable waste; but should the Honorable the Governor in Council think the question worth considering, I would refer it to the Collectors of this Division for their opinion and Report. Rule 15 appears unobjectionable, as do Rules 17, 18, and 19.

Increase and decrease of Cultivation.

16. The clause in Rule 20 which requires the village Officers to send "the parties concerned," viz. those who wish to throw up fields, and "the applicants," viz. those who apply for new fields, to the Mamlutdar or Mahalkurry, is, I think, objectionable, as causing unnecessary trouble to the Ryuts. The village Officers may generally be entrusted with this duty under the control of the Mamlutdar and Mahalkurry, as proposed in this Rule; but the attendance of the different applicants in person at the District Cutcherry, would, I submit, be in ordinary cases superfluous. With reference to the period fixed (end of April) for throwing up lands, it no doubt would be desirable that the district Officers had the earliest possible intimation of all such changes; but

many Ryuts might not be able to determine, at so early a period, the extent of their cultivation for the ensuing year; and I should think that the "Mrigsal," or 5th June, would be in practice a better date to fix for this purpose.

Instalments.

17. The subject of revenue instalments is already before Government, in a letter from this Department, dated 6th January 1846, No. 22; and I beg to state that I quite concur with my predecessor in thinking the end of April full late for the latest instalment in Collectorates above the Ghauts. So far, therefore, I dissent from the 21st Rule, which fixes the last instalment for late crops on 1st June. Here it is, I think, worth considering, that whenever the Cholera prevails, it is worst during the hot months, especially April and May; consequently, that which might have been collected easily in March, may be lost altogether by death if deferred till June.

18. With reference to the first part of this Rule, which forbids field inspection for the purpose of ascertaining the extent of early or of late crops, I would observe that, in many villages, the comparative extent of early or late cultivation depends wholly upon the fall of rain: when that is early, so is the crop; and when the early rains are scanty, the land is reserved for a late crop When they collect the instalments from the different Ryuts, the village Officers must know whether their crops have been early or late, to regulate the time of levying the instalment; and to make this knowledge perfect, field inspection is necessary. This is more especially the case in some seasons, when at first the rain falls plentifully, and the Ryuts are induced to sow early crops, but the after rain failing, they are obliged to plough up their lands again, and sow a late crop. In such cases field inspection is especially requisite to enable the village Officers to ascertain

the proportions of either crop when they are collecting the instalments: such an inspection is moreover required by Rule 23, and the one inspection may accomplish both purposes.

Field Boundaries.

19. The 22nd Rule, for the preservation of field boundary marks, is an important one. So are Rules 23 and 24, which are for the completion of the same object, and most necessary for the preservation of the labours of the Survey.

20. In their 85th paragraph, the Superintendents allude to the importance of introducing "a simple and uniform system of accounts through all the surveyed districts," but state that, for the attainment of this object, their other duties did not afford them sufficient time. It were much to be wished that Officers so qualified as the framers of the accompanying Report had had leisure to remodel all our village and district accounts. The subject is one of those referred to the two Revenue Commissioners by Government, in their letter dated 24th April 1846, No. 1925, and we hope shortly to lay before Government some revised forms of village accounts, which are intended to combine simplicity with uniformity, and to lessen the number of documents which the Koolkurnees are now required to prepare. The subject of district accounts will also engage our attention.

21. The subject of remissions, alluded to in paragraph 86, is before Government in the letter from this department quoted in the margin.

Letter No. 467, dated 12th March 1847.

22. In conclusion, I would respectfully suggest, that this valuable Report be lithographed, and a copy of it sent to each Collector and Sub-Collector, and each Survey Establishment, and that a copy be also forwarded to the Government of Madras, as suggested in paragraph 3 of my letter of 4th August, No. 1856, to whom, I observe, from the list which accompanied the Government letter of 28th May

last, that the Joint Report of 27th October 1840 has been already sent.

I have the honour to be &c.

E. H. Townsend,
Revenue Commissioner,
Southern Division.

Poona, Revenue Commissioner's Office,
10*th September* 1847.

MINUTE by the Hon'ble Mr. CLERK, *dated 16th November* 1847.

	Rev. Comr.'s Letter.	Joint Report.

1. The paragraphs of the Joint Report and of the Revenue Commissioner's letter, containing the propositions, remarks, and objections to which the following observations relate, will be quoted by me in the margin; the particular subject, in the body of this Minute.

Introductory Remarks, including a detail of the objects of a Revenue Survey, and advantage of a Field Assessment. — 2 — 1—10

2. I agree with the Revenue Commissioner, Southern Division, that the subjects here discussed cannot be better elucidated than they are in the present Report, and in that written by Mr. Goldsmid and Captain Wingate, under date 27th October 1840, No. 1.

Division of village lands into fields. — 3 — 11—18

3. I concur with the Revenue Commissioner in approving of all that has been advanced by the three Superintendents.

Definition of fields by suitable land-marks. — 3 — 19—21

4. I have no doubt, but that the three Superintendents have pointed out the best mode of defining the limits. The due preservation and improvement of the marks constructed for this purpose is provided for in the 23rd of the Rules for the management of surveyed districts. (See para. 41 of this Minute.)

Determination of village boundaries, and settlement of disputes connected with them. — 4, 5 — 22—28

5. Nearly every boundary dispute of any importance in the Deccan has probably been made the subject of investigation previous to the survey, with a view to settlement; but I believe it will be found that not one in a hundred of these disputes has been actually disposed of.

Rev. Comr.'s Letter. Joint Report.

6. In the Dharwar Collectorate there have been, up to this time, about 1,000 villages surveyed; and, I am informed, that, with a few exceptions of no great consequence, the whole of the boundary disputes connected with them have been investigated and settled during the progress of the survey; that the results afford evidence that no insurmountable difficulties are in the way of the settlement of such disputes by the Survey Officers; and that the awards of the latter will be respected.

7. Until, however, the details of these results are in the possession of Government, I think it will be better that we postpone giving any decided opinion as to the practicability of the plan advocated by the three Superintendents, and merely inform the Revenue Commissioner, Southern Division, that, considering the important objects sought to be obtained, we deem it well worthy of a fair trial, and of every assistance and co-operation the local Officers can afford.

8. As in the plains, village boundary marks must, at the same time, define the limits of some particular fields, it follows that their construction and preservation are provided for by Act III. of 1846. Moreover, wilful injury and destruction are also punishable under Clause 3 of Section 42 of Regulation XIV. of 1827.

Measuring and mapping the land.

6, 7 29—37

9. I have only to state my full concurrence in all that is recorded by the three Superintendents on this head, and to add, that although it is, no doubt, "unnecessary, and would, in many instances, be hurtful, to fetter the Superintending Officers with specific Rules," as to the manner in which they are to attain the desired results; still our Revenue Commissioners ought from the first to have been informed of the different modes of proceeding, so that they might have guarded against the adoption

	Rev. Comr.'s Letter.	Joint. Report.
or continuance of any that are defective, and have prevented any improvements, introduced by one Superintendent, being unknown to, or unnecessarily rejected by another.		
Classification of dry crop, garden, and rice lands.	7	38—65
10. The particulars regarding the classification are, with the exception of those relating to rice land, given in a manner which shows the subject to have been well considered and canvassed by the three Superintendents, and I think, therefore, we may safely approve of the system and details whose observance they advocate. As regards the land forming the exception (rice), I shall be glad to learn that Captains Wingate and Davidson have been able to agree on some Rules, and think that before doing so they should examine those drawn out for the guidance of Mr. Tytler's Establishment in the Dangs.		63—64
Settlement of the rates of assessment.	7	66—78
11. The manner in which this delicate duty should be performed is well explained.		
General observations on preceding subjects.	7	79
12. I cannot but admit that, at present, we are entirely dependent on the Judgment of our Superintendents, and so we must remain, until our Revenue Commissioners do something more than merely make their Offices the channels of communication between the Superintendents and ourselves.		
Interior management of the Survey Department.	8	80, 81
13. I agree with the Revenue Commissioner, that the 13 Rules proposed in the Joint Report, "appear excellently adapted for the end proposed," and that their enforcement should be at once ordered.		
14. As regards the suggestion of the Revenue		

Rev. Comr.'s Letter. Joint Report. Commissioner, Southern Division, that the Revenue Surveys in progress in this Presidency be united under one Superintendent, "as the only really effective method for bringing all under one system, so far as local peculiarities admit," I have but to observe, that this can only be necessary in the event of our Revenue Commissioners themselves not possessing the knowledge and discrimination and energy necessary to the efficient management of the most important of all the operations under their control.

10—21 82—87 83 *Future administration of the Survey settlement.*

15. Approved, with the proviso that, if the Assistant Collector in charge of the District is not an Officer of some experience, and in the opinion of the Collector and Revenue Commissioner qualified to form a judgment of the system and of the manner in which its details will work, some more experienced Assistant, or the Collector himself, should be associated with the Superintendent.

9 84 *Rules* 1 *and* 3.

16. Approved. A Proclamation to the effect of Rule 1 should be published when the revised rates are introduced in a district, and every Patell furnished with a copy.

Rule 2.

17. I think we should take the opinion of Dr. Gibson regarding this Rule.

9 84 *Rule* 4.

18. The remarks made by Revenue Commissioner render necessary that I should mention that, in this Rule, it is clearly inferred that the unarable spots alluded to may be made arable by the application of capital for the purpose; as, for instance, by the conversion of the bed of a stream into good soil by throwing a dam across it, in order to accu-

	Rev. Comr.'s Letter.	Joint Report.
mulate soil behind it; and one object of the Rule clearly is to secure the full benefit of such improvements to the occupant of the field, during the 30 years for which the revenue settlement is to continue.		
19. In reviewing Rule 13 (paragraphs 32 and 33 of Minute), I shall have occasion to show that the Revenue Commissioner is wrong in thinking the present Rule at variance with it.		
Rule 5.	10	84
20. This Rule, of course, supposes the field to be correctly entered in the name of the real holder, and when another name, through fraud or carelessness on the part of the village Officers, has been substituted, it would be the duty of the Collector to rectify the error.		
21. Contending claims to the occupancy of fields should be settled, if possible, when introducing the new settlement: but when once a particular individual has been recognised as the holder of a field in the Government Books, and the revenue due on it has been actually collected from, and credited to him, without any protest being made by any other interested party, a sufficient title should be considered as constituted, and all inquiry by the Revenue Officers, as to the right of occupancy, be for the future barred. We shall vainly attempt to confer security of tenure, if the Government Books are not held to be authoritative evidence regarding the right of occupancy in all cases where they have not been designedly or inadvertently falsified.		
Rule 6.	11	84
22. Approved, provided no Meerasdaree or other recognised inheritable rights are interfered with.		
Rules 7 and 8.	11, 12	84
23. Cases, such as those contemplated by the		

Rev. Comr.'s Letter. Joint Report. Revenue Commissioner, Southern Division, will, I hope, be very rare ; but I think that, to avert the hardships he contemplates, a discretionary power may be granted the Collectors as to the enforcement of the Rules, when any of the co-sharers in a field have held possession of their land for upwards of 20 years.

13 84 *Rule* 9.

24. Approved.

13 84 *Rule* 10.

25. This Rule is in conformity to the views expressed in the Government letter of 12th September 1847, No. 390, and should be approved of, copy of the Rule and of our instructions thereon being forwarded for the information of Dr. Gibson.

13 84 *Rule* 11.

26. I object to a Ryut being prohibited from cutting down trees growing on the boundaries of his field. They are frequently the only places on which a Ryut can grow trees without interfering with his ordinary crops. The rest of this Rule is substantially the same as that laid down in the Government letter just quoted, except that it is relieved of the somewhat impracticable condition of requiring trees to be planted in lieu of those cut down. I cannot but think that, under the security of tenure and moderate assessment of the survey settlement, self-interest will ensure a sufficiency of trees being planted for the wants of the population, especially if the local Officers take proper interest in the matter. Copy of this Rule and of our instructions should be sent to Dr. Gibson.

13 84 *Rule* 12.

27. If I rightly understand this Rule, its object, as well as that of Rules 7 and 8, is to discourage the sub-division of fields, so that, by being retained

entire, their sale and transfer, under the provisions of Rule 9, may be promoted.

28. It would be a hardship to refuse to recognise shares of fields already entered in the Government Books: but the rights of such sharers are protected by Rules 5, 6, 7, 8, and 9. In giving out waste for cultivation, however, which is the case provided for in the Rule under consideration, there are no prior rights involved; and we have merely to look to the method best calculated to promote the interests of the Ryuts and Government.

29. If fields are to be permitted to be split up without limit, and the occupant of every fractional share recognised as holding direct of Government, the inevitable result will be the ultimate sub-division of the whole land into very minute occupancies, accompanied by the impoverishment of the whole agricultural class. Farms will become so small, as barely to provide subsistence for those occupied in their tillage, and the surplus, from which the assessment is to be paid, so trifling, that the slightest deficiency in the ordinary crop will suffice to annihilate it. With every precaution it may be impossible to prevent the sub-division of farms as population increases; but, assuredly, no opportunity should be lost of checking this tendency.

30. In the case of a Ryut, in whose name a field is entered, and who holds it jointly with others, dying, the want of a record to show the liability of the other sharers would be of but little consequence; for they would be amenable for the revenue under the provisions of Sections III. and V. of Regulation XVII. of 1827, and the desire of retaining possession of the land would more probably make the inferior holders anxious to defray their shares of the revenue, in order to obtain receipts from the village Accountant, with a view to strengthen their claims to continue in possession.

31. But, were even the Rule to involve the cer-

Rev. Comr.'s Letter. Joint Report.

tain sacrifice of balances of Revenue due by Ryuts dying under the circumstances contemplated by the Revenue Commissioner, instead of the remote possibility of such a contingency, it would still be better to submit to the loss than to sanction the alternative of an unlimited sub-division of fields.

14 84 *Rule* 13.

32. It is evident that this Rule has been misread by the Revenue Commissioner, and hence his conclusion that it is inconsistent with Rule 4.

33. Rule 13 does not apply to fields only a portion of whose land is unarable. It applies to fields entered in the Survey Registers as wholly unsuited in their then state for cultivation, and upon which no assessment is placed at all. For such fields, or rather divisions of the village area, provision has been made in the 2nd of the Rules following the 17th paragraph of the Joint Report, and the present Rules provide for the assessment of any portions that may be cleared and rendered fit for cultivation.

15 84 *Rules* 14 *and* 15.

34. Approved.

15 84 *Rule* 16.

35. This Rule only reserves a portion of the fields alluded to in Rule 13, as unsuited in their then state for cultivation, and unassessed, for free pasturage, and this indulgence will, therefore, be limited to the villages in which such unarable fields are to be found; but I agree with the Revenue Commissioner in thinking we should continue the further restriction, already imposed by us, of the privilege to the case of villages which have hitherto enjoyed the right of free pasturage.

36. The practice of selling unarable waste field by field, enjoined by this Rule, promises, in my opinion, to be more acceptable to the villagers, and more productive of revenue to Government, than the

	Rev. Comr.'s Letter.	Joint Report.
plan of selling the entire unarable wastes of several villages or districts in the lump, to parties engaging for the whole.		
Rules 17, 18, *and* 19.	16	84
37. Approved.		
Rule 20.	16	84

38. For the important object of taking up or relinquishing a field, which no Ryut could have occasion to do more than once a twelvemonth, and most, not once in a number of years, it does not seem to involve much hardship to require the attendance of the applicant at the District Cutcherry, when the matter could be at once finally and satisfactorily settled. If the village Officers are to take the agreements, many opportunities will be afforded them for jobbing in the disposal of land, and greater inconvenience eventually occasioned to the Ryuts, through subsequent investigation being rendered necessary by the village Officers' proceedings being complained of or resisted.

39. With reference to the period to be fixed for throwing up lands, "the Mrigsal, or commencement of the Revenue year," is the time within which the law (Clause 1, Section VI. of Regulation XVII. of 1827) requires intimation should be given. I believe that the Honorable Mr. Reid, when Principal Collector of the Concan, required that it should be given by March, and the legality of this order was never called into question. The three Superintendents recommend the close of April, that is, the termination of the official year.

40. As the number of fields likely to be relinquished in a moderately assessed district would be very small, it is not of much importance whether the end of April, or 5th of June, be fixed upon as the period within which land must be thrown up; the latter period may, therefore, be fixed, as it is the one sanctioned by law, and recommended, and

Rev. Comr.'s Letter	Joint Report.	
		which the Revenue Commissioner recommends should be prescribed.
17, 18	84	*Rule* 21.

41. Regarding the objection raised by the Revenue Commissioner, Southern Division, to this most important Rule, I have obtained the opinion of Captain Wingate; and as the arguments he uses appear to me conclusive, I cannot do better than quote them in his own words:—

"The interval of six weeks, required by this "Rule, instead of one month, between the "periods when the instalments fall due, will give "the Ryuts more time to arrange for the sale "of the portion of their produce necessary to "make up the amount required. Produce "will not be forced on the market to the same "extent as at present, and consequently will "fetch better prices. With every postpone- "ment of the period for collecting the instal- "ments, hitherto introduced, the revenue has "been realised with greater ease and certainty "than before, just in proportion to the extent "the Ryuts have thereby been enabled to "substitute *bonâ fide* sales of produce in the "market for usurious loans from the village "banker, as a means of obtaining money for "the payment of their dues to Government. "The greater interval of six weeks between the "instalments, and the postponement of the last "to the 1st of June, in the case of districts "where late crops are an important part of the "harvest, would give the cultivators great ad- "ditional facilities for obtaining money for the "payment of their rents, and by so doing would "add as much to the certainty as to the ease "with which the collections would be made. "The saving to the agricultural class by the "proposed alteration would exceed a hundred-

" fold any possible loss of revenue to Govern-
" ment from the deaths of individuals by cho-
" lera in April and May; and it may safely be
" concluded, that the method of collection
" which is the cheapest to the Ryuts is also the
" best for Government in the end, as the extent
" of land in cultivation, and the security of the
" revenue, must ever be dependant on the
" amount of agricultural capital in the country.
" Another important object of the Rule is to
" prevent the amount of the instalments fluc-
" tuating with the proportion of early and late
" crops sown in each year by individual Ryuts,
" as at present is the case in some Collectorates,
" and the continuance of which is recommend-
" ed by the Revenue Commissioner. The latter
" practice offers great facilities for the exercise
" of favouritism or oppression by the village
" Officers, into whose hands it places, uncheck-
" ed, the power of making the early instalments
" heavy or light, and this power is now very
" frequently abused. But, by making the
" instalments of invariable amount, and to fall
" due at stated periods, under all circumstances,
" the cultivator will have a certain prospect
" before him, and be made to trust to his own
" exertions, without reference to the likes and
"-dislikes of the village Officers, for being able
" to meet his liabilities. The certainty of the
" one plan will promote habits of foresight and
" economy; the uncertainty of the other tends
" to paralyze exertion, and induce an indolent
" reliance on fortune instead.

" There is only a difference of one month
" between the periods fixed by the Rule for the
" instalments of early and late districts; so that
" no great inconvenience could possibly be
" occasioned to the cultivators, should a failure
" of the monsoon rains require an unusual

Rev. Comr.'s Letter.	Joint Report.	
		" proportion of late crops to be sown in any of " the former districts."
19	84	*Rules* 22, 23, *and* 24.

42. Approved.

20	85	*District and Village Accounts.*

43. I am certain that the introduction of a simple and uniform system of accounts through all the surveyed districts would add so much to the efficiency of our Native establishments, as to render unnecessary additions, now urgently required, to their numerical strength, and would also considerably lessen the labour of the Collectors and their Assistants in checking the work of the subordinate Hoozoor, District, and Village Agents.

44. The two Revenue Commissioners should be requested immediately to report how far, and with what results, they have carried into effect the instructions conveyed in the Government letters of 24th April 1846 (Nos. 1924 and 1925); they should also be directed to transmit, for the opinion of Captain Wingate upon them, the forms of accounts of what they may have approved.

21	86	*Remissions.*

45. My Minute on this subject was dated the 19th June, that of the Honorable Mr. Reid, 28th, and of Honorable Mr. Willoughby, 29th idem. The letter to the Revenue Commissioner framed from these Minutes was not despatched until 5th October: I have directed the Revenue Secretary to ascertain the cause of this delay.

21	87	*Publication of Correspondence.*

46. I approve of the suggestions of the writers of the Joint Report, and the Revenue Commissioner, Southern Division.

G. Clerk.

16*th November* 1847.

MINUTE *by the Honorable Mr.* REID, *dated* 16*th May* 1848.

Among the questions discussed in the paragraphs 1 to 10 of the Joint Report, is that of the superiority of an annual settlement with each Ryut, according to his actual holding for any year, over a settlement by lease for a certain number of years, and I do not feel quite assured that the decision which the Committee arrive at is correct. It is, at least, not so clearly exemplified as to remove all doubt as to the accuracy of the result.

2. The arguments in favour of the annual settlement are, that it permits the Ryut to contract or extend the sphere of his labour, according to the means at his immediate command, a privilege of immense importance in a country where the capital of the agriculturist is not only small in itself, but subject to great fluctuations from the effect of variations of the season, (vide paragraph 44 of Mr. Goldsmid's and Captain Wingate's Report of the 27th October 1840,) and that it gives him all the advantages of a long lease, without any of its disadvantages (paragraph 8 of Joint Report).

3. The arguments on the other side are, I think, very strong, and I should regret to see it laid down as an unchangeable maxim, applicable to all districts and to all states of society, that an annual settlement must be made with each Ryut for the land which he may choose to hold.

4. It cannot be a question that a poor Ryut, having a small agricultural stock, cannot well be bound by a lease. His few cattle may die, and then, however favourable may be the terms of his lease, he must relinquish his fields, or the lease must be broken up. But let us hope that this is not the case with all. It cannot be that we have not now,

and never are to have, any accumulation of agricultural capital. Our farmers will not always be dependent on the results of one season; nor will they necessarily be ruined if it bring with it scanty crops, loss of cattle, or other misfortunes. The very object of our revising the assessment throughout our Provinces, is to eradicate the hand-to-mouth system which has so long prevailed with the agricultural classes, and to create agricultural capital; and we should endeavour to combine with this object those of inducing these classes to look more to the future, of exciting in them feelings of independence, of exempting them as much as possible from the pupilage and surveillance of the Government Officers, and of attaching them to the soil, and to their own particular portion of it.

5. I know not how these objects can be obtained more decidedly than by the grant of leases for lengthened periods. While in the continuance of the system of annual settlements, I can foresee, although the great object of leaving the Ryut free is gained, that the others run the risk of being wholly neglected.

6. A Ryut who, looking beyond the present year, knows that he will have to provide for the payment of a certain revenue for many years to come, must necessarily acquire more prudent and thrifty habits than he who looks to the present year alone, and who knows that, if he choose to be idle, he has no responsibility.

7. The independence of feeling which every man ought to possess can seldom arise when a man knows that he holds his land, as it were, by an annual tenure; that if he fail to till a certain field, and it be omitted from his holding for one year, his rival may step into his place, and perhaps deprive him of his field for ever; and nothing, perhaps, more tends to diminish such feeling than the inquisitional visits of Government Officers, inquiring what is the extent

of his cultivation, and regulating the fluctuating amount of his rent.

8. A lease imposes a wholesome responsibility upon the Ryut, and secures the Government against fluctuation in the revenue. That responsibility the Ryut cannot be expected to incur without some equivalent, nor should the Government expect to gain the security without some sacrifice. I think this point has not been sufficiently attended to in our attempts to introduce leases, and hence our failure in parts of Goozerat. We desired to secure every thing to Government, without making any sacrifice in favour of the lessee.

9. If a farmer possess ten fields, assessed at Rs. 10 each, or together at Rs. 100, we cannot expect that he will bind himself to pay Rs. 100 for 30 years for those fields. He would pay no more if he took out no lease, and might often have to pay less. But if the Government, in order to secure a certain unfluctuating revenue, consent to give him a lease for 30 years at 95 Rupees, it might be well worth the while of a Ryut, possessing some capital, to take such a lease. This is the principle on which, I think, leases might successfully be granted.

10. I think the observations in paragraphs 11 to 18 of the Joint Report, on the division of the land into fields, and in paragraphs 29 to 31, on boundary marks, judicious.

Village Boundary disputes.

11. The Rules proposed for the settlement of these disputes by the Survey are certainly deserving of a fair trial, and if they have succeeded in Dharwar, they may be equally efficacious elsewhere. I approve of the course proposed in the Honorable the President's 7th paragraph.

Measurement and Mapping.

12. I am happy to observe the great importance

attached to the preparation of the village maps. If I recollect right, Lieutenant Nash was opposed to the process, but I entirely agree in the views expressed respecting these maps in the present Joint Report.

Classification.

13. This is one of the most important, and at the same time, the most difficult operations of the survey. The Joint Report explains (paragraphs 39 to 66) with much minuteness, the principal points on which this operation depends, and although, as Mr. Townsend justly observes (paragraph 7), these are matters on which practical men alone can fully judge, yet, I think, we may safely say that the system, as it is explained, seems to be founded on just principles, and to have been well considered. I quite concur in the observation, in the 10th paragraph of the Honorable the President's Minute on this subject, of the classification of rice lands. The experience of Mr. Tytler in the Dangs would be of much service in fixing rules for classifying these lands throughout the Upper Country.

Assessment.

14. The explanation given of the mode in which this closing process of the survey is conducted, in paragraphs 66 to 78, is very clear and explicit.

15. I concur in the Honorable the President's appreciation (paragraph 12) of what must be left to the judgment of the Superintendents of Survey. We must, indeed, be almost wholly dependent upon them; for I do not think that we can hope for Revenue Commissioners who can do more than exercise a very general supervision over their operations. Few Revenue Commissioners possess the knowledge, and none could devote the time, necessary for a minute scrutiny into them. Those only who have been trained to survey, and with whom all the details of the process are familiar, can venture

to offer opinions opposed to those of a Superintendent on many points; and even where a doubt may arise, it may be impossible to set it at rest without such minute interference and inquiry as would impede the progress of the survey, while it would take the attention of the Revenue Commissioner from his more ordinary duties.

16. I would not, therefore, require from the Revenue Commissioners a greater degree of responsibility than, I admit, they are capable of fulfilling; but at the same time I think that they may reasonably be expected so far to control all the Superintendents under them, as to secure a great degree of uniformity in their proceedings.

17. I concur in the Honorable the President's proposition, that the Rules for the interior management of the survey department, (paragraph 80 of Joint Report,) which seem excellent, should be adopted generally.

18. It certainly is very desirable that the survey settlement should be introduced by the Superintendent, in conjunction with the Collector, or an experienced Assistant. I fear, however, this may not always be practicable. Hitherto it has not been found so, and the Superintendent has in most cases, I believe, alone introduced the rates in each district, as soon as the sanction of Government to them has been obtained.

19. I concur in most of the observations recorded by the Honorable the President, on the Rules for the guidance of the Revenue Officers in respect to the future administration of the survey (paragraph 84 of Joint Report). On some of those Rules I venture to offer a few remarks.

Rules 4 *and* 13.

20. These, as they affect unarable land included in a field, may, I think, be open to the objection urged against them by Mr. Townsend (para-

graph 9). Probably the difficulty arises from terming land covered with dense jungle " unarable," in Rule 13. This term might be strictly defined; land covered with vegetation, trees, or bushes, can hardly be included properly in it, as the presence of this vegetation proves the productive quality of the soil, and its capability of being brought under the plough.

Rule 5.

21. The Revenue Commissioner only inculcates a prudent caution, in respect to the insertion of the names of parties as holders of fields. Care should be taken that the real holder is well ascertained, and if there be a dispute, no entry in the survey books should be made, that can give one party a right which he might not, on inquiry, be found to possess. It is a great object to establish our Survey Books as a complete record of the state of the occupancy at the time of the operation.

Rules 7 *and* 8.

22. I think the observations of the Revenue Commissioner on these Rules just, and concur in the proposition of the Honorable the President respecting them, except so far that I would make no limitation as to time (20 years) in cases in which the holder of a portion of a field may have been in occupation previously to the survey. The act of including his field and those of his neighbours in one number, is one in which he has no voice, and it should not place him in a worse position than that in which he stood previously.

Rule 10.

23. I am inclined to think that the Rules prescribed, after full consideration, in the Government letter of the 12th February 1847, No. 390, should be upheld, and that when one tree is felled,

two should be required to be planted. I see nothing impracticable in this. Dr. Gibson, a good authority, urges it; and I have no confidence in the opinion that self-interest is sufficient to induce Ryuts to plant where it may be necessary. This, I imagine, is contrary to our experience.

Rule 12.

24. The Government may give out the waste on any terms it pleases, and there is no hardship in enforcing the Rule against subdivision. I concur in the observations of the Honorable the President in paragraphs 27 to 31.

Rule 20.

25. I think there is some force in Mr. Townsend's objections to the Ryuts, wanting to take up new land, being obliged to proceed to the Mamlutdar's Kutcherry. In villages very distant, and especially during the few first years after the introduction of the survey, where, it may be presumed, that much new land will be taken up, the Collector might be authorised to dispense with the strict observance of the Rule.

26. I am afraid that, if notice of resigning a field be not given before the Mrigsal, it will be too late for any other party, desiring it, to come forward to cultivate.

Rule 21.

27. I doubt whether the question of the instalments should be mixed up in these Rules with matters immediately connected with the introduction of the survey. I would separately consider the subject, especially as local peculiarities may render it necessary that different periods for the payment of the revenue should be in use in different districts.

28. I entirely concur in the observations of the Honorable the President (paragraph 44), on the subject of accounts. It would be of great assistance

were forms of accounts printed, from those of the village to those of the Collector's Kutcherry, for the guidance of all our Revenue Officers.

29. I think the acknowledgments of Government are justly due to Mr. Goldsmid, and Captains Wingate and Davidson, for the able and lucid Report they have now laid before us. It will serve as a Manual in all future Surveys, and I think it should be printed, as soon as any modifications to be made in the Rules contained in it have been determined.

L. R. Reid.

16*th May* 1848.

MINUTE *by the Honorable Mr.* Willoughby, *dated* 18*th May* 1848.

Not ever having served in the Revenue branch of the Service, I possess no practical experience on the important questions discussed in these papers; but I have no hesitation in deferring to the opinions of Mr. Reid, whose long experience and intimate acquaintance with all the details of our Revenue administration is unsurpassed by, if it does not exceed, that of any other person connected with this Presidency.

J. P. Willoughby.

18*th May* 1848.

No. 5593 of 1848.

Territorial Department, Revenue.

From

J. G. Lumsden, Esquire,

Secretary to Government,

To

E. H. Townsend, Esquire,

Revenue Commissioner, Southern Division.

Sir,

I have been directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter No. 2258, dated the 10th September 1847, submitting a Joint Report from the Officers named in the margin, on the practice and objects of the Revenue Surveys under their charge; and, in reply, to communicate to you the following observations on the propositions and remarks contained in the Report, classed under the different heads into which it is divided.

Mr. Goldsmid, (late) Supt. of the Revenue Survey and Assessment in the Deccan; Captain Wingate, Supt. of the Revenue Survey and Assessment, Southern Mahratta Country; Captain Davidson, (late) Supt. of the Revenue Survey and Assessment, Ahmednuggur.

2. Among the questions discussed in these paragraphs of the Joint Report, is that of the superiority of an annual settlement with each Ryut, according to his actual holding for any year, over a settlement by lease for a certain number of years, and His Lordship in Council does not feel quite assured, that the decision at which the Committee has arrived, is correct. It is at least not so clearly exemplified as to remove all doubt as to the accuracy of the result.

Introductory remarks including a detail of the objects of a Revenue Survey, and advantages of a Field Assessment.—Paragraphs 1 to 10.

3. The arguments in favour of the annual settlement are, that it permits the Ryut to contract or extend the sphere of his labour, according to the means at his immediate command, a privilege of immense importance in a country where the capital of the agriculturalist is not only small in itself, but subject to great fluctuations, from the effect of variations of the seasons (vide paragraph 44 of Mr.

Goldsmid's and Captain Wingate's Report of the 27th October 1840,) and that it gives him all the advantages of a long lease, without any of its disadvantages (paragraph 8 of present Joint Report).

4. The arguments on the other side are, His Lordship in Council considers, very strong, and he would regret to see it laid down as an unchangeable maxim, applicable to all districts, and to all states of Indian society, that an annual settlement must be made with each Ryut for the land which he may choose to hold.

5. A poor Ryut, having a small agricultural stock, cannot well be bound by a lease. His few cattle may die, and then, however favourable may be the terms of his lease, he must relinquish his fields, or the lease must be broken up. But let it be hoped that this is not the case with all. It cannot be that we have not now, and never are to have, any accumulation of agricultural capital. Our farmers will not always be dependent on the results of one season, nor will they necessarily be ruined, if it bring with it scanty crops, loss of cattle, or other misfortunes. The very object of the revision of the Assessment throughout our Provinces, is to eradicate the hand-to-mouth system which has so long prevailed with the agricultural classes, and to create agricultural capital; and we should endeavour to combine with this object, those of inducing these classes to look more to the future—of exciting in them feelings of independence—of exempting them, as much as possible, from the pupilage and surveillance of the Government Officers—and of attaching them to the soil, and to their own particular portion of it.

6. It is not apparent how these objects can be attained more decidedly than by the grant of leases for lengthened periods; while, in the continuance of the system of annual settlements, Government can foresee, although the great object of leaving the Ryut free is gained, that the others run the risk of being wholly neglected.

7. A Ryut who, looking beyond the present year, knows that he will have to provide for the payment of a certain revenue for many years to come, must, necessarily, acquire more prudent and thrifty habits then he who looks to the present year alone, and who knows that, if preferring idleness to industry, he abandon or contract his cultivation, he in that proportion relieves himself of responsibility.

8. The independence of feeling which every man ought to possess can seldom arise, when a man knows that he holds his land as it were by an annual tenure; that if he fail to till a certain field, and it be

omitted from his holding for one year, his rival may step into his place, and, perhaps, deprive him of it for ever; and probably nothing tends more to diminish such right feeling than the inquisitorial visits of Government Officers, inquiring what is the extent of his cultivation, and regulating the fluctuating amount of his rent.

9. A lease imposes a wholesome responsibility upon the Ryut, and secures the Government against fluctuation in the revenue. That responsibility the Ryut cannot be expected to incur without some equivalent, nor should the Government expect to gain the security without some sacrifice. His Lordship in Council considers this point has not been sufficiently attended to in our attempts to introduce leases, and hence our failure in parts of Goozerat. We desired to secure every thing to Government, without making any sacrifice in favour of the lessee.

10. If a farmer possess ten fields, assessed at Rupees 10 each, or together at Rupees 100, it cannot be expected that he will bind himself to pay Rupees 100 for 30 years for those fields. He would pay no more if he took out no lease, and might often have to pay less. But if the Government, in order to secure a certain, unfluctuating revenue, consent to give him a lease for 30 years at 95 Rupees, it might be well worth the while of a Ryut, possessing some capital, to take such a lease. This is the principle on which, His Lordship in Council is of opinion, leases might successfully be granted.

Division of village lands into fields, and definition of fields by suitable land marks.—Paragraphs 11 to 21.

11. The observations contained in these paragraphs of the Joint Report, on the division of the land into fields, and on boundary marks, are considered judicious.

Determination of village boundaries, and settlement of disputes connected with them.—Paras. 22 to 28.

12. Nearly every boundary dispute of any importance in the Deccan has probably been made the subject of investigation previously to the survey, with a view to settlement, but it will probably be found that not one in a hundred of these disputes has been actually disposed of.

13. In the Dharwar Collectorate, there have been, up to this time, about 1,000 villages surveyed, and His Lordship in Council is informed, that with a few exceptions of no great consequence, the whole of the boundary disputes within them have been investigated

and settled during the progress of the survey; that the results afford evidence that no insurmountable difficulties are in the way of the settlement of such disputes by the Survey Offices, and that the awards of the latter will be respected.

14. Until, however, the details of these results are in the possession of Government, no decided opinion as to the practicability of the plan advocated by the three Superintendents can be formed, but in the mean time I am desired to observe that, considering the important objects sought to be attained, it is deemed well worthy of a fair trial, and of every assistance and co-operation the local Officers can afford.

15. As in the plains village boundary marks must, at the same time, define the limits of some particular fields, it follows that their construction and preservation are provided for by Act III. of 1846. Moreover, wilful injury and destruction are also punishable under Clause 3 of Section 42 of Regulation XIV. of 1827.

Measuring and mapping the land. Paragraphs 29 to 37.

16. His Lordship in Council is happy to observe the great importance attached to the preparation of the village maps.

17. I am desired to express his full concurrence in all that is recorded by the three Superintendents on the subject of the measurements, and to add, that, although it is, no doubt, "unnecessary, and would in many instances be hurtful, to fetter the Superintending Officers with specific Rules," as to the manner in which they are to attain the desired results, still the Revenue Commissioners ought, from the first, to have been informed of the different modes of proceeding, so that they might have guarded against the adoption or continuance of any that are defective, and have prevented any improvements introduced by one Superintendent being unknown to, or unnecessarily rejected by another.

Classification of dry crop, garden, and rice lands.—Paragraphs 38 to 65.

18. *Classification.*—This is one of the most important, and at the same time, the most difficult operations of the survey. The Joint Report explains, with much minuteness, the principal points on which this operation depends, and, although, as you justly observe (paragraph 7), these are matters on which practical men alone can fully judge, yet it may safely be said that the system, as it is explained as applicable to all but rice lands, is founded on just principles, and that the particulars are given in a manner which

shows the subject to have been well considered and canvassed by the three Superintendents. Government, therefore, approves of the system and the details, the observance of which they advocate. As regards the land forming the exception, (rice,) His Lordship in Council will be glad to learn that the present Superintendents of the Surveys have been able to agree on some Rules for its right classification. Before doing so, however, they should avail themselves of the experience of Mr. Tytler, and examine the Rules drawn out for the guidance of that Officer's establishment in the Dangs.

Settlement of the rates of Assessment. Paragraphs 66 to 78.

19. The explanation given of the mode in which this closing process of the survey is conducted, is very clear and explicit.

General observations on preceding subjects.—Paragraph 79.

20. The Right Honorable the Governor in Council is aware that Government must be almost wholly dependent upon the Superintendents of Surveys for the right conduct of many of the details of their operations, for he does not think that the Revenue Commissioners can do more than exercise a very general supervision over them. Few Revenue Commissioners possess the knowledge, and none could devote the time necessary for a minute scrutiny into them. Those only who have been trained to survey, and with whom all the details of the process are familiar, can venture to offer opinions opposed to those of a Superintendent on many points, and even where a doubt may arise, it may be impossible to set it at rest without such minute interference and enquiry as would divert the attention of the Revenue Commissioner from his more ordinary duties, so as to cause much inconvenience to the public service.

21. The Governor in Council will not, therefore, require from the Revenue Commissioners a greater degree of responsibility than they are capable of fulfilling. But, at the same time, he thinks that they may reasonably be expected so far to control all the Superintendents under them, as to secure a great degree of uniformity in their proceedings.

Interior arrangement of the Survey Department.—Paragraphs 80 and 81.

22. The Right Honorable the Governor in Council agrees with you that the thirteen Rules proposed in the Joint Report, for the interior arrangement of the Survey Department, appear excellently adapted for the end in view, and that their general enforcement should be at once ordered.

Future administration of the Survey settlement.—Paragraphs 82 to 87.

23. The proposition contained in the 83rd paragraph is also approved, with the proviso that, if the Assistant Collector in charge of the District is not an Officer of some experience, and in the opinion of the Collector and Revenue Commissioner, qualified to form a judgment of the system and of the manner in which its details will work, some more experienced Assistant, or the Collector himself, should be associated with the Superintendent. This, however, it is feared, may not always be practicable. Hitherto it has not been found so, and the Superintendent has, in most cases, it is believed, alone introduced the rates in each district, as soon as the sanction of Government to them has been obtained.

24. *Rules.*—In regard to the Rules proposed for the guidance of the Revenue Officers in respect to the future administration of the survey, (paragraph 84 of Joint Report,) I have been directed to communicate the following remarks :—

25. Rules 1 and 3 are approved. A Proclamation to the effect of Rule 1 should be published, when the revised rates are introduced in a district, and every Patell should be furnished with a copy.

26. On Rule 2, the opinion of Dr. Gibson will be called for.

27. Rules 4 and 13. These, as they affect unarable land included in a field, may be open to the objection urged against them by you in paragraph 9. Probably, the difficulty arises from terming land covered with dense jungle " unarable," in Rule 13. This term might be strictly defined. Land covered with vegetation, trees, or bushes, can hardly be included properly in it, as the presence of this vegetation proves the productive quality of the soil, and its capability of being brought under the plough.

28. Rule 5. Your 10th paragraph inculcates a prudent caution in respect to the insertion of the names of parties as holders of fields. Care should be taken that the real holder is well ascertained, and if there be a dispute, no entry in the Survey Books should be made that can give one party a right which he might not, on inquiry, be found to possess. It is a great object to establish our Survey Books as a complete record of the state of the occupancy at the time of the operation.

29. Rules 6 is approved, provided no Meerasdaree, or other recognised heritable rights, are interfered with.

30. Rules 7 and 8. The observations made by you on these Rules are considered just; and to avert the hardships you contem-

plate, a discretionary power may be granted to the Collectors as to their enforcement, without, however, making the limitation as to time (20 years) in cases in which the holder of a portion of a field, may have been in occupation previously to the survey. The act of including his field, and those of his neighbours, in one number, is one in which he has no voice, and it should not place him in a worse position than that in which he stood previously.

31. Rule 9 is approved.

32. Rule 10 being in conformity to the views expressed in the Government letter (No. 390), of the 12th February 1847, is approved.

33. Rule 11. His Lordship in Council is of opinion, that the Rules prescribed in the Government letter last quoted, for regulating the power to cut down trees, should be upheld, and that when one tree is felled two should be required to be planted.

34. Rule 12. The objects of this Rule, as well as that of Rules 7 and 8, His Lordship in Council understands to be to discourage the sub-division of fields, so that by being retained entire their sale and transfer, under the provisions of Rule 9, may be promoted.

35. It would be a hardship to refuse to recognize shares of fields already entered in the Government Books, and the rights of the holders of such shares are protected by Rules 5, 6, 7, 8, and 9. In giving out waste for cultivation, however, which is the case provided for in the Rule under consideration, no prior rights are involved, and we have merely to look to the method best calculated to promote the interests of the Ryuts and Government.

36. If fields are to be permitted to be split up without limit, and the occupant of every fractional share recognised as holding direct of Government, the inevitable results will be the ultimate sub-division of the whole land into very minute occupancies, accompanied by the impoverishment of the whole agricultural class. Farms will become so small as barely to provide subsistence for those occupied in their tillage, and the surplus, from which the assessment is to be paid, so trifling, that the slightest deficiency in the ordinary crop will suffice to annihilate it. With every precaution, it may be impossible to prevent the sub-division of farms as population increases, but assuredly no opportunity should be lost of checking this tendency.

37. In the case of a Ryut in whose name a field is entered, and who holds it jointly with others, dying, the want of a record to show

the liability of the other sharers would be of but little consequence, for they would be amenable for the revenue under the provisions of Sections III. and V. of Regulation XVII. of 1827; and the desire of retaining possession of the land would more probably make the inferior holders anxious to defray their shares of the revenue, in order to obtain receipts from the Village Accountant, with a view to strengthen their claims to continue in possession.

38. But were even the Rule to involve the certain sacrifice of balances of revenue due by Ryuts dying under the circumstances contemplated by you, instead of the remote possibility of such a contingency, it would still be better to submit to the loss, than to sanction the alternative of an unlimited sub-division of fields.

39. Rules 14 and 15 are approved.

40. Rule 16 only reserves for free pasturage a portion of the fields alluded to in Rule 13, as unsuited in their then state for cultivation, and unassessed. This indulgence will, therefore, be limited to the villages in which such waste fields are to be found, and His Lordship in Council agrees with you in thinking that the further restriction (already imposed in Government letter of the 16th October 1844, No. 3621,) of the privilege, to the case of villages which have hitherto enjoyed the right of free pasturage, should be continued.

41. The practice of selling the waste, field by field, enjoined by this Rule, promises to be more acceptable to the villagers, and more productive of revenue to Government, than the plan of selling the entire wastes of several villages or districts in the lump, to parties engaging for the whole.

42. Rules 17, 18, and 19, are approved.

43. Rule 20. His Lordship in Council considers there is some force in your objection to the Ryut wanting to take up new land, being obliged to proceed for this purpose to the Mamletdar's Kutcherry. In villages very distant, and especially during the few first years after the introduction of the Survey, when it may be presumed that much new land will be taken up, the Collector may be authorised to dispense with the strict observance of the Rule.

44. Adverting to your suggestion that the period for giving notice of intention to throw up lands be extended to the Mrigsal, Government considers that, if notice of resigning a field be not given earlier, it will be too late for any other party desiring it to come forward to cultivate.

45. Rule 21. The Governor in Council doubts whether the question of the instalments should be mixed up in these Rules, with matters immediately connected with the introduction of the survey. He would prefer the separate consideration of the subject, especially as local peculiarities may render it necessary that different periods for the payment of the revenue should be in use in different districts.

46. Rules 22, 23, and 24, are approved.

47. His Lordship in Council is confident that the introduction of a simple and uniform system of accounts through all the surveyed districts, would add so much to the efficiency of our native establishments as to render unnecessary additions, now urgently required, to their numerical strength, and would also considerably lessen the labour of the Collectors and their assistants in checking the work of the subordinate Hoozoor, District, and Village agents.

District and village accounts.—Paragraph 85.

48. I am directed to request that you will immediately report how far, and with what results, you have carried into effect the instructions conveyed in the Government letter of the 24th April 1846, (No. 1925,) and that you will transmit, for the opinion of Captain Wingate, whatever forms of accounts you may have approved, in concert with the Revenue Commissioner, Northern Division.

49. The instructions of Government on the subject of remissions were conveyed in the Government letter to you, No. 3899, of the 5th October 1847.

Remissions.—Paragraph 86.

50. In conclusion, I am directed to convey the acknowledgments of the Right Honorable the Governor in Council to Mr. Goldsmid, and Captains Wingate and Davidson, for the able and lucid Report they have now laid before him. It will serve as a Manual in all future surveys, and it should be printed, as soon as any modifications to be made in the Rules contained in it have been determined.

I have the honour to be, &c.

J. G. Lumsden,

Secretary to Government.

Bombay Castle, 22nd September 1848.

No. 5594 of 1848.

Territorial Department, Revenue.

From

J. G. Lumsden, Esquire,
Secretary to Government,

To

Dr. A. Gibson,
Conservator of Forests.

Sir,

In transmitting to you the annexed extract from a draft of Rules prepared for the future administration of survey settlements, I have been directed by the Right Honorable the Governor in Council, to request that you will be so good as to favour him with your opinion on the plan proposed, for disposing of the produce of fruit trees standing in fields.

Extract (Rule 2nd) from the 84th para. of a Joint Report by Mr. Goldsmid, and Captains Wingate and Davidson, dated 2nd August 1847.

2. I have at the same time been instructed, with reference to Mr. Chief Secretary Pringle's letter to the Revenue Commissioner, Southern Division, No. 390, of the 12th February 1847, a copy of which was sent to you by endorsement on the same date, to forward for your information the extracts noted in the margin, on the subject of restrictions to be placed on the cutting of trees.

Extract (Rules 10 and 11) from the 84th para. of the Joint Report of the 2nd August 1847.

Extract paras. 32 and 33 of a Government letter to the Rev. Commr, S. D., No. 5593, dated 22nd September 1848.

I have the honour to be, &c.

J. G. Lumsden,
Secretary to Government.

Bombay Castle, 22nd September 1848.

No. 716 of 1848.

Hewra, 29th September 1848.

From

Dr. A. Gibson,
Conservator of Forests,

To

J. G. Lumsden, Esquire,
Secretary to Government.

Sir,

In reply to your letter, No. 5594, under date 22nd instant, in which the Right Honorable the Governor does me the honour to request my opinion on the plan proposed for disposing of the produce of fruit trees, standing in fields, I have the honour to state:—

2. As I understand the question (founded on Rule 2nd of the Joint Report) to refer to the sale of the annual produce of fruit trees *only*, it appears to me that, as applied to the more open country, the Rule may be safe, particularly since the preservation of a succession of trees by planting is provided for by the Resolution of His Lordship in Council, paragraph 33, under date 22nd instant, viz. "that the Rules, regulating the power to cut down trees, should be upheld, and that, when one tree is felled, two should be required to be planted."

3. But for this proviso, I think the system of summary sale would be pernicious, as experience has (I respectfully submit) shown us that the natives cannot, in the present state of their habits, be safely trusted with a property in nearly all the trees in the open country; for, in the parts of the country hitherto surveyed, there may be said to be few or no trees, excepting in land which is arable.

4. With respect to the extension of the Rule to the Mawul and Conkan Districts, and supposing it to be applied (as seems to be intended) to all trees whatsoever, I think it may require, previous to being so extended, mature consideration in the various and more extensive bearings which it will there have, either on the property or the resources of Government; and that it may, from particular local

circumstances, require some occasional modification. Thus, by ancient prescriptive right, cultivation has been allowed within the precincts of certain Government lands, as around hill forts, as at Singhur, &c.; but in these, supposing the right to cultivate is Enam, (as in many cases it is,) the right of the cultivator is acknowledged not to extend beyond the grain corps.

5. Now it seems to me obvious that the general application of a Rule, such as No. 2, would at once deprive Government of much valuable property in trees; for a peremptory sale by auction would hardly compensate for the permanent alienation of choice timber, particularly when we know that, under the Mawul mode of cultivation, this timber would gradually disappear.

6. Another case in which the Rule would require consideration, if not modification, is the property in the produce of the wild date. This is, in many parts of the country, an article of valuable annual farm.

7. It appears to me doubtful in how far it would be prudent to part with this source of revenue for the result of precarious biddings, made at a peremptory auction sale.

8. The same Rule will apply to the farm of other trees in the Conkan, such as teak, &c. where these grow in land now at the disposal of Government, but which, under a survey, might be taken up by a cultivator.

9. On the above grounds, I think that the Rule requires further consideration ere it can be adopted as a general one for the future administration of survey settlements.

10. I deem it very possible that I may have somewhat misconceived the scope and tendency of the intended Rule. In such case, I will be happy to give it my further consideration on another reference being made to me.

I have the honour to be, &c.

ALEX. GIBSON,

Conservator of Forests.

No. 6358 of 1848.

Territorial Department, Revenue.

From

W. Courtney, Esquire,

Acting Secretary to Government,

To

Captain G. Wingate,

Superintendent Revenue Survey and Assessment,

Southern Mahratta Country.

Sir,

With reference to the Joint Report made by yourself, Mr. Goldsmid, and Captain Davidson, under date the 2nd August 1847, (submitted to Government through the Revenue Commissioner, Southern Division,) on the practice and objects of your respective Surveys, I have been directed by the Right Honorable the Governor in Council to transmit to you, for any observations you may have to offer, the accompanying copy of a letter from the Conservator of Forests, No. 716, dated the 29th ultimo, submitting his opinion on the plan proposed in Rule 2, paragraph 84, of the Joint Report, for disposing of the produce of fruit trees, standing in fields, and of the restrictions to be placed on the cutting of trees.

I have the honour to be, &c.

W. Courtney,

Acting Secretary to Government.

Bombay Castle, 18*th October* 1848.

No. 206 of 1848.

From

Captain G. Wingate,
Superintendent Revenue Survey and Assessment,
Southern Mahratta Country,

To

W. Courtney, Esquire,
Acting Secretary to Government, Bombay.

Sir,

In compliance with the instructions of the Right Honorable the Governor in Council, contained in your letter of 18th instant, No. 6358, I do myself the honour to submit the following observations in reference to the remarks made by the Conservator of Forests, in his letter, No. 716, dated the 29th ultimo, upon Rule 2, paragraph 84, of the Joint Report by Mr. Goldsmid, Captain Davidson, and myself, for the disposal of fruit and other trees, standing within the limits of fields in surveyed districts.

2. It will have been observed by Government that the above quoted Rule is, by paragraph 84 of our Report, strictly limited "to the collectorates above the Ghauts, already surveyed, or in course of being so," which renders it unnecessary for me to follow Dr. Gibson in the arguments adduced in his 4th and following paragraphs on the supposition of its extension to the Conkans. I have further already had the honour of submitting my views on the general question as to property in trees, and restrictions to be placed on cutting them, for the consideration of Government and the Military Board, in my letters noticed in the margin; and I shall, therefore, confine myself to points which have not been noticed in these despatches, or appear to require further elucidation.

1. Letter to Government, No. 91, of 18th April, 1848.
2. Do. to Military Board, No. 151, of 8th August 1848.

3. I am unable to admit the justness of the remark, made by Dr. Gibson in the 3rd paragraph of his letter under consideration, that the system of sale proposed by our Rule "would be pernicious, as

experience has shown us that the Natives cannot, in the present state of their habits, be safely trusted with a property in nearly all the trees in the open country." My belief is that, they may be so trusted with the utmost safety, and this assurance rests on the fact that all the fruit and other trees, now found growing on cultivated lands, with very rare exceptions, owe their existence to private individuals. In all localities favourable for the growth of trees, such as gardens, they are invariably planted and preserved ; and even in the open fields, though the cultivators consider them to be there prejudicial to their crops, as attracting birds, they are, nevertheless, raised in sufficient numbers to supply wood for the manufacture and repair of agricultural implements. In numerous localities, chiefly in the neighbourhood of towns, groves of fruit trees have been planted in this Collectorate, subsequent to the introduction of the revised assessment, on the faith of this assessment being the sole demand to be made on behalf of Government, and that whatever was produced on the land would belong to the holder. I can also very well recollect the increased interest taken by the cultivators in the planting and preservation of trees, on the introduction of the new assessment into the Sholapoor Collectorate.

4. I see, therefore, no reason whatever for apprehending any wanton destruction of trees from constituting the holder of every field the proprietor of all the trees standing upon it. On the contrary, I entertain the strongest conviction that no one cause has tended so much to prevent the extension of planting in Government land, as the assertion of a claim of property in trees growing on it by the State. It appears to me vain to expect a cultivator to lay out capital in the formation of an orchard of fruit trees, or other plantation, without being able to claim a right of property in it when grown up. And every interference on the part of Government, with the view of restricting the powers of the holder of a field over the trees standing upon it, cannot fail, in my humble opinion, to impede the acquirement of a feeling of property in the soil, which must be established before we can reasonably anticipate much outlay of capital in the improvement of land. But, as this subject will have to be considered in my reply to a reference by the Revenue Commissioner, Southern Division, regarding the points connected with the Joint Report, reserved for further discussion by the Government letter of 22nd ultimo, No. 5593, I shall not further enlarge upon it here.

5. With reference to the observations in the 5th paragraph of Dr. Gibson's letter, I would explain, that Rule 2 was not intended to enjoin a peremptory sale of trees, unless a fair price could be obtained for them; and the provision, in the concluding sentence of the Rule, was intended to meet such a case. When trees are to be sold under the Rule, the Collector would have to place an upset price upon them, beyond which the biddings must proceed, to admit of the trees being sold at all, or the land being entered in the name of the purchaser.

6. It would, however, seem desirable to exempt from the operation of the Rule the precincts of the hill-forts, alluded to in the 2nd paragraph of the Conservator's letter, as well as other localities in the Mawuls, or elsewhere, intended to be reserved for the growth of teak or other forest timber. This course I have already recommended in my letter to the Secretary to the Military Board, quoted in a previous paragraph, and the proposal has met with Dr. Gibson's approval, as appears from his letter to the same authority, dated 26th August last, No. 630, with a copy of which I have been favoured. The selection of such localities might be accomplished with the greatest ease by the Collectors, or Superintendents of Survey, in communication with the Conservator of Forests; but to withhold the general operation of the Rule, of which the main object is to create a feeling of property in the soil, for the sake of a few exceptional cases, which admit of being specially provided for, would, in my humble opinion, be in the highest degree expedient.

7. Another objection to the Rule brought forward by Dr. Gibson in the 6th and 7th paragraphs of his letter, is the sacrifice it would entail of property in the produce of the wild date, which he states to be in many parts of the country an article of valuable annual farm, and is doubtful how far it would be prudent to part with this source of revenue for the result of precarious biddings at a peremptory auction sale. I would here observe, that the auction sales contemplated in Rule 2, refer to timber and fruit trees, but not to the wild date, the right of cutting down which, as of any other jungle, encumbering the land, is secured to the holder of a field by Rule 11 of the Joint Report.

8. The produce of the wild date, referred to by Dr. Gibson, is an intoxicating liquor obtained by tapping the tree; and the privilege of drawing off and selling this juice forms, in this Collectorate, part of the monopoly of the sale of spirituous liquors, which is annually

farmed out to the highest bidder; but in other parts of the surveyed Collectorates it may be farmed out separately. Subsequent to the introduction of the new assessment here, the provision in the Liquor Contractor's lease regarding these trees, has been limited to the right of tapping those standing in Government waste; for it would be wholly at variance with the principles of the settlement to allow him a right of intrusion upon fields in cultivation; but I am not aware that the restriction has had any injurious effect on the sale of the Liquor Contract. Nor need any be apprehended; for, unfortunately, this is a branch of revenue that might be increased almost at will. All that is needed to bring about this result, is to increase the number of places where intoxicating liquor is permitted to be sold, when the improvement of this branch of revenue would only be exceeded in rapidity by the demoralization of the people. And if the destruction of the wild date would avail at all to check the consumption of intoxicating liquors, Government, I feel assured, would gladly avail itself of any means for accomplishing a result so desirable.

9. But there are other reasons making it very inexpedient to interpose any restrictions upon clearing the land of this tree. It affects low and moist localities, and in this Collectorate has overgrown numerous fine bottoms along the banks of nullas, which are admirably adapted for the production of valuable crops, but could not be taken into cultivation at all, unless the Ryuts are permitted to clear the land of the date; which also, in the Talook of Kode, is found straggling almost everywhere over the arable waste. Many old gardens and sugar-cane lands there are now covered with dense date jungle, which must be cleared away before they can be taken into cultivation. The same was also the case in the assessed districts; but in these this noxious jungle has already been, to a great extent, cleared away and replaced by a flourishing cultivation. I have always looked upon this result with feelings of unmixed satisfaction, and feel assured that it will be so viewed by Government.

10. In conclusion, I beg to recommend the retention of Rule 2, with the addition of a provision of the nature specified in my 6th paragraph for excepting certain localities from its operation.

I have the honour to be, &c.

G. WINGATE,

Supt. Revenue Survey and Assessment, S. M. C.

Supt.'s Office, Dharwar, 26th October 1848.

No. 7172 of 1848.

Territorial Department, Revenue.

From

W. Courtney, Esquire,
Acting Secretary to Government,

To

Dr. A. Gibson,
Conservator of Forests.

Sir,

With reference to your letter, No. 716, dated the 29th September last, I have been directed by the Right Honorable the Governor in Council to forward, for your further report, the accompanying copy of a letter from the Superintendent Revenue Survey and Assessment, Southern Mahratta Country, No. 206, of the 26th ultimo, relative to the disposal of fruit and other trees, standing within the limits of fields in surveyed districts.

I have the honour to be, &c.

W. Courtney,
Acting Secretary to Government.

Bombay Castle, 15th November 1848.

No. 869 of 1848.

From

Dr. A. Gibson,
Conservator of Forests,

To

W. Courtney, Esquire,
Acting Secy. to Govt. Revenue Department.

Sir,

I have had the honour to receive your letter, No. 7172 of 1848, conveying the commands of the Right Honorable the Governor, that I make a further Report on the letter of the Superintendent Revenue Survey, touching the application of Rule 2nd, of the Joint Report of the Survey Committee.

2. In reply, I have the honour to state, that having given the observations of Captain Wingate the most attentive consideration, I am still of opinion that general experience has not shown that the Natives will preserve trees, excepting of certain kinds, such as fruit trees. In proof of this, I would refer to the present state of much of the Southern Conkan, and to many of the Ghaut Districts, where, owing to improvident expenditure of wood by burning away, and otherwise, the want of material for burning on the fields is most seriously felt. On this head, I believe, that Mr. Davies, Collector of Broach, and Mr. Elphinstone, Collector of Khandeish, could afford much interesting information, gleaned from their long experience in the Conkans. It is true, as Captain Wingate remarks, that the Rule is, at present, intended to apply to countries above the Ghauts; but it must be borne in mind, that in the Western part of these countries are lines of District possessing all the features of the Conkans.

3. On the whole, as before remarked in my several letters on the subject to the Military Board, and to Government, I continue of opinion that the rule may not, at present, be safely applied beyond "fruit trees in the open country." The result of it, as applied there, will, as Captain Wingate remarks, probably be an increase of planting of mangoes, &c.

Vide letter to Military Board, No. 830, under date 8th instant.

4. With respect to the contents of paragraph 6th of Captain Wingate's letter, I have the honour to remark, that the exception recommended by Captain W. of "hill-forts and other localities to be reserved for the growth of teak or other forest timber," goes a very great way to meet any objections which I (as Conservator of Forests) might have had to offer to the greater extension of Captain W.'s rule; and I feel pretty sure, that, with respect to this important point, the views of Captain Wingate and myself will finally resolve themselves into a joint plan. I am now in communication with Captain W. in this matter, with the view of settling Clause 10th of Schedule B, of the Forest Regulations. In my letter to address of the Military Board above quoted (No. 830, under date 8th instant), I had the honour to forward a sketch of the country in which the greater part of the exceptions which I would propose lie.* Some other parts yet remain to be seen, and hereafter adjusted, according to circumstances.

* In the above Ghaut Zillahs.

5. In my letter, No. 822, forwarded to the Board under date 4th

instant, I had the honour also to notice, in another form, the nature of these exceptions, and to express my apprehension that, under the extended system of the measurement of hills as undertaken in the Poona survey, the pecuniary interests of Government might suffer as regarded sales of jungle wood, grass, &c.

6. Since then, I have learned from Captain Landon, that the late Lieutenant Nash had intended to leave the hill boundaries, as to Government right and Ryuts' claims, for after adjustment; so that, in this important point, also, there seems a fair basis for treaty.

7. As I conclude that Captain Landon is in full possession of the views which Lieutenant Nash meant to have carried out had he lived to do so, I respectfully suggest that a reference be made to Captain Landon on the subject, and with these aids, I have no doubt but that we will at length reach a satisfactory conclusion.

8. With respect to paragraph 7th of the remarks of Captain Wingate, touching the wild date, and the sale of its produce as a separate item of revenue; here, I beg to say, that, in former remarks, I chiefly looked to the possible extension of Rule 2 to the districts below the Ghauts, such as those South of Surat, &c.

9. I am aware that, in the upper country, the farm of the produce of those trees is an item comparatively unimportant. Indeed, for the reasons stated by Captain Wingate, the absence of the tree in those Southern Talookas containing valuable land is rather a blessing than otherwise; whereas, in the wastes on the sea board of the North Conkan, the tree grows most extensively on land which could not be otherwise appropriated.

10. I remark, however, that the operation of Rule 11th, stated by Captain Wingate as referring to "jungle," may, unless subject to the adjustment suggested in paragraphs 5th and 6th, cause considerable loss to Government in the more Western Districts.

11. With respect to paragraph 10th of Captain Wingate's letter, the basis of negotiation therein proposed has already been noticed at large in paragraph 4th; it seems, therefore, unnecessary again to enter on the question.

I have the honour to be, &c.

ALEXANDER GIBSON,
Conservator of Forests.

Camp Goolsoonda, 18th November 1848.

No. 7840 of 1848.

Territorial Department, Revenue.

From

W. Courtney, Esquire,

Acting Secretary to Government,

To

E. H. Townsend, Esquire,

Revenue Commissioner, Southern Division.

Sir,

With reference to paragraph 26 of the Government letter No. 5593, dated the 22nd September last, to your address, having reference to the disposal of fruit and other trees, standing within the limits of fields in surveyed districts, I have been directed by the Right Honorable the Governor in Council to transmit to you the accompanying copies of the correspondence quoted in the margin, and to request that you will favour Government with your opinion on the points of difference in the views of Dr. Gibson and Captain Wingate, on this subject.

To Dr. Gibson, dated 22nd Sept. 1848, No. 5594.
From Dr. Gibson, dated 29th Sept. 1848, No. 716.
To Captain Wingate, dated 18th Oct. 1848, No. 6358.
From Captain Wingate, dated 26th Oct. 1848, No. 206.
To Dr. Gibson, dated 15th Nov. 1848, No. 7172.
From Dr. Gibson, dated 18th Nov. 1848, No. 869.

I have the honour to be, &c.

W. Courtney,

Acting Secretary to Government.

Bombay Castle, 19th December 1848.

102029

No. 675 of 1849.

Territorial Department, Revenue.

From

E. H. Townsend, Esquire,
Revenue Commissoner, S. D.,

To

W. Courtney, Esquire,
Acting Secretary to Government.

Sir,

I have the honour to acknowledge the receipt of your letter of 19th December (No. 7840), with its enclosures, and to state that, on a careful consideration of the latter, and of the correspondence therein quoted, I do not think the real difference of opinion between Captain Wingate and Dr. Gibson important.

2. The whole question turns on the practical application of the 2nd Rule, contained in the Joint Report of the Superintendents of Survey, dated 2nd August 1847. That Rule has reference, 1st, to fruit trees; 2nd, to *all* trees. It is to its 2nd part, as affecting forest and timber trees, and more especially teak trees, that Doctor Gibson objects, and his objections are, as I understand them, limited to those places where the survey has assessed, or will assess, tracts of land containing forest trees, which it seems desirable to preserve for public purposes. To this part, therefore, of the 2nd Rule, I will confine my remarks.

3. Where waste arable Government land contains valuable trees, which it would be desirable to preserve for the State, the Collector is under no obligation to give such land for cultivaton: he has the same power now that he ever had, to retain such land for public purposes, and this he should do in such cases, the trees being of more value to the State than the grain which the land would produce. Rule 2nd does not, in any degree, limit the Collector's discretionary power in this respect; a discretion which is acknowledged in Rules 14 and 15 of the same Code, and in conformity with which the Collector of Belgaon was instructed, in the Chief Secretary's letter of

1st May 1847 (No. 1285), to check Koomree cultivation where it damaged the forests.

4. Where Government land, containing timber trees that are worth preserving, has been recently given in cultivation, the Collector has undoubted authority to resume it for public purposes; where, however, it has descended from father to son, as regularly cultivated land, and that its resumption would be a matter of harshness, the Collector could still, as explained in paragraph 5 of Captain Wingate's letter of 26th October, to your address, retain the trees in the hands of Government, by placing "an upset price upon them, beyond which the biddings must proceed to admit of the trees being sold at all."

Revenue Commissioner's letter to Government, No. 3130, of 30th September, 1848.

5. The forementioned measures will, I submit, secure the interests of Government with respect to trees in all Government lands. The Conservator of Forests should show the Collector of each Zillah the particular lands which contain Government trees, or trees which have no particular owner, and which it is desirable to preserve for Government timber; and where the Collector sees no objection to retaining the land and trees for Government, he should do so; where he conceives that private rights would be thereby violated, or on other grounds dissents from the Conservator's opinions, he should submit the case for the decision of Government.

6. On the subject of the wild date, Dr. Gibson appears, in his letter of 18th November (paragraph 9), to have somewhat misunderstood Captain Wingate's explanation, which had no reference to the unimportance of the toddy farm, but to the fact that Government has not, and never had, any right in the date tree itself as such. The cultivator, who has date trees in his field, has the same control over them that he has over any other trees on the same ground; he may draw the juice or not draw it; he may preserve the tree or cut it down, to the same extent that he could deal with any other tree; but if he preserve the tree, and draw the toddy, he is controlled, in the disposal of the latter, by Regulation 21 of 1827, Chapter 11. I fully agree with the Superintendent that the destruction of these trees is, on no account, to be regretted, should it take place; I can add nothing to his forcible exposition of their pernicious influence, where abundant, on the Native population.

Vide Superintendent's letter to Government, 26th October (No. 206), para. 8.

7. Referring to Doctor Gibson's remarks (paragraph 10) on Rule 11, I would respectfully refer His Lordship in Council to paragraph 13 of my letter, dated 10th September 1847, (No. 2258,) and to paragraph 33 of the Secretary's reply, dated 22nd September last, (No. 5593,) which required its modification.

I have the honour to be, &c.

E. H. Townsend,
Revenue Commissioner, S. D.

Dharwar Districts, Rev. Commr.'s Camp, Guddug, 7th Feb. 1849.

No. 1496 of 1849.

Territorial Department, Revenue.

From

W. Courtney, Esquire,
Acting Secretary to Government,

To

E. H. Townsend, Esquire,
Revenue Commissioner, S. D.

Sir,

I have laid before the Right Honorable the Governor in Council your letter, No. 675, of the 7th instant, and in reply I have been instructed to inform you, with reference to paragraph 26 of my communication, No. 5593, of the 22nd September last, that His Lordship in Council has approved of Rule 2nd of the Joint Report of the Superintendents of Survey, dated the 2nd August 1847, for disposing of the produce of fruit trees standing in fields, with the modification proposed by Captain Wingate in the 6th paragraph of his letter, No. 206, dated the 26th October last.

I have the honour to be, &c.

W. Courtney,
Acting Secretary to Government.

Bombay Castle, 28th February 1849.

No. 3195 of 1849.

Territorial Department, Revenue.

From

E. H. Townsend, Esquire,
Revenue Commissioner, Southern Division,

To

W. Courtney, Esquire,
Acting Secretary to Government.

Sir,

The Government letter dated 22nd September 1848 (No. 5593) having been communicated to the Superintendents of the Survey in this division, the replies of those Officers are of the dates quoted in the margin. I will proceed to comment on them in order of date.

Superintendent, Southern Mahratta Country, 23rd Dec. 1848.
Superintendent, Ahmednuggur, 21st February 1849.
Late Superintendent Daug Survey, 28th May.
Settlement Officer, Poona Survey, 12th July.

2. The first 11 paragraphs of Captain Wingate's letter are occupied with the question of "the superiority of the fixed field assessment of our surveys, administered by annual leases, over other modes of revenue management," &c. In all these remarks I fully concur.

3. In paragraphs 12 to 16, inclusive, Captain Wingate comments on the disadvantage of sub-dividing fields, and on the measures that should be adopted to prevent this evil: his remarks appear to accord with the sentiments of Government, as expressed in paragraph 36 of the letter under reply, and do not call for much remark. With regard, however, to "ejectments from Meeras land," referred to in the Superintendent's 16th paragraph, the present state of the law and the practice of our Courts would, I fear, prevent the adoption of the proposed plan: on this subject I would respectfully refer His Lordship in Council to my letter dated 24th May last (No. 2380), and the previous correspondence therein quoted.

4. The subject of the Superintendent's 18th paragraph is discussed in my letter to Government of 7th February last (No. 675), and is

disposed of in your letter of the 28th of that month (No. 1496), which "approves of Rule 2nd of the Joint Report."

5. On the subject of Rule 13th, the Superintendent dwells on his 19th paragraph, and explains the sense in which he uses the word "unarable" with regard to fields covered with jungle. It appears* to me, however, as stated in your 27th paragraph, that the word cannot be justly applied to such land as is here contemplated; the Superintendent is satisfied that this Rule and the 4th "cannot be misapplied in practice," and I am not disposed to think that any serious inconvenience will occur from occasional misapplications, even should they occur, which, however, I hardly anticipate.

* Vide amended Rule in paragraph 20 of this letter.

6. In the Superintendent's remarks in paragraph 20, on the subject of Rule 5th, I quite concur, for he admits the only exceptions for which I wished to contend, in my letter of 10th September 1847, viz. cases which "have been fraudulently, or through mistake, omitted to be entered." That such cases must be guarded against, Government have decided in paragraph 28 of the letter under reply, and important as I admit the Rule to be, justice, I think, requires that the exception should be borne in mind.

7. In his 21st and 22nd paragraphs, the Superintendent argues against any relaxation of Rules 7 and 8, as suggested in paragraphs 11 and 12 of my letter, and partly concurred in by Government, in paragraphs 30 and 35 of the Secretary's reply, already quoted. I concur in much of what Captain Wingate says; part of his argument, however, does not seem to me to apply to my objection to interfere with *existing rights*. It is truly remarked in the Government letter under reply (paragraph 35), "in giving out *waste* for cultivation, no prior rights are involved," &c.: in such cases, Rules to preserve the integrity of fields, are, I fully admit, highly expedient; but I would not have them take retrospective effect when fields, originally separate, were included in one of the survey, or when large fields, which had been long cultivated by separate parties, were thereby liable to be transferred from the hands of two or more parties possessing equal rights, to one of the sharers.

8. In his 23rd paragraph, Captain Wingate alludes to an application which he made to me on the 5th December last for a copy of the Government Rules, dated 12th February 1847, regarding the cutting of trees, and with which I furnished him on the 5th January.

9. The Superintendent proposes, in his 24th paragraph, a slight modification of Rule 12, in which I quite concur, and which suggests no further remark.

10. I do not agree with the Superintendent (paragraph 25) as to the benefit of obliging the Ryut to attend at the Mamlutdar's Kutcherry for each field that he requires: the Superintendent, Ahmednuggur Survey (paragraph 18), is of the same opinion as Captain Wingate. Mr. Tytler (paragraph 7) agrees with me, that this duty should be entrusted, in the first place, to the village Officers, always subject to the Mamlutdar's control and revision. The latter Officers are already overwhelmed with the multiplicity of their duties; and any attempt to require them to enter more into details, will, I think, add to the number of ill-performed duties, without any corresponding advantage.

11. The plan proposed in the Superintendent's 26th paragraph, of fixing a day on which the village Officers should assemble the Ryuts, and call on them to decide what fields they would retain, and what resign, appears to me a very good one, and I would recommend its adoption. I would send the "list to the Mamlutdar," as proposed by Captain Wingate; but I would leave it optional with the Ryuts to go or not, as they chose.

12. In paragraphs 27 to 31, the Superintendent discusses the question of revenue instalments, which Government, in paragraph 45 of the Secretary's letter, appeared disposed to discuss separately. I refrain, therefore, from entering into this question, further than to say, that Captain Wingate's arguments have not altered those expressed in paragraph 17 of my letter dated 10th September 1847.

13. In Captain Wingate's last paragraph I fully concur.

14. The first six paragraphs of Lieutenant Anderson's letter dwell on the advantages of the present annual settlement, as compared with long leases; in these opinions he agrees with Captain Wingate. The Ahmednuggur Superintendent's observations on village boundaries, in paragraphs 8 to 10, appear very just.

15. In his 11th paragraph, Lieutenant Anderson expresses himself as not quite prepared to propose Rules for the classification of rice lands. Mr. Tytler says (paragraph 6), that the rules in force in the Ahmednuggur Dangs have been sent to all the Surveys, and that, with trifling alterations, they have probably been generally adopted: to this subject Captain Wingate does not allude.

16. "The 83rd paragraph of the Joint Report," as modified in Lieutenant Anderson's 12th paragraph, will, I trust, be approved by His Lordship in Council,

17. The same Officer proposes in his 13th paragraph, an amended draft of Rule 13, for which I would solicit the sanction of Government.

18. In the Superintendent's 15th paragraph, amended forms of Rules 7 and 8 are proposed, which I trust will be approved of by Government.

19. In his 16th paragraph, an amended Rule 11 is given, which limits the rights of "*occupants of Meeras*, Jodee, or Inam fields, holding the same from Government," to cut down trees. My first impression on reading this passage was, that it meant *Meerasdars* and Inamdars, who are freed from all interference, as regards the trees on their Meeras or Inam lands, by paragraph 2 of the Chief Secretary's letter dated 12th February 1847 (No. 390); and were this understanding of the proposed Rule correct, the latter would be clearly at variance with the Rules approved of in the letter just quoted. But if "occupants" signify, not the Inamdar or Meerasdar, but Ryuts who, for any or various reasons, have become, under Government, the tenants of such lands, the objection does not stand, and the Rule as proposed would be unobjectionable. To prevent misunderstanding, however, it might be desirable to insert a parenthesis after the words "the same from Government," viz. ("not Meerasdars and Inamdars").

20. In the Superintendent's 17th paragraph, an amended Rule 16 is contained, for the disposal of unarable waste, which appears to meet the wishes of Government, and which I trust will be approved.

21. I have no doubt that "a vigilant watch should be kept upon the proceedings of village Officers," as suggested in the Superintendent's 19th paragraph, but the plan of permitting them in the first instance to allot fields to the Ryuts need not interfere with the Mamlutdar's supervision, and his correction of any and every abuse of authority: on this subject I beg to refer to paragraph 10 of this letter.

22. On the subject of the introduction of a simple and uniform system of accounts into the surveyed districts, alluded to in paragraphs 47 and 48 of the Government letter under reply, I beg to refer to our Joint Reports dated the 1st November and 10th February last, Nos. 3 and 2, respectively. In regard to the latter Report (on District accounts), I hope very shortly to forward the Forms to Captain Wingate for his opinion; a few questions raised by the

Revenue Commissioner, Northern Division, having hitherto prevented my doing so.

23. On Mr. Tytler's letter I have already made such remarks as its perusal suggested. The "Settlement Officer" in charge of the Poona Survey, states that his acquaintance with his present duties is of so recent a date, that he does not feel himself competent to offer an opinion on the points at issue.

24. In conclusion, I request that you will be good enough to furnish me with copies of the letters of the Superintendents of the Ahmednuggur and Southern Mahratta Country Surveys accompanying, as I do not wish to detain this correspondence till the required transcripts of them can be made in this Office. Copy of Mr. Tytler's letter, I beg to say, is not required.

I have the honour to be, &c.

E. H. TOWNSEND,
Revenue Commissioner, Southern Division.

Poona, Revenue Commissioner's Office, 10th August 1849.

No. 239 OF 1848.

To

E. H. TOWNSEND, Esquire,
Revenue Commissioner, Southern Division.

SIR,

I do myself the honour to submit the following observations on certain points connected with the Joint Report of 2nd August 1847, which appear to me to require further elucidation and discussion in reference to the comments made upon them in the Government letter of 22nd September last, No. 5593.

2. In the argument for the superiority of the fixed field assessment of our surveys, administered by annual leases, over other modes of revenue management, contained in the introductory paragraphs of the Joint Report, the use of the terms "annual leases" and "annual engagements" has conveyed to Government an impression of the

nature and operation of our settlements very different from what was intended, and as it is of the utmost importance that no misconception should exist in reference to what may be considered the basis of our whole system, I will devote a few remarks to an attempt to clear up the obscurity resting on our original exposition.

3. The arguments contained in the 4th, 5th, 6th, 7th, and 8th paragraphs of the Government letter, in favour of long leases, by which farmers are bound to pay an invariable assessment for the whole of their lands in the lump, are adduced as advantages which are not to be found in the system of settlement enjoined by the Joint Report. And an apprehension is expressed that the important objects of inducing the cultivating classes to look more to the future—of exciting in them feelings of independence—of exempting them from the pupilage and surveillance of Government Officers—and of attaching them to the soil, and to their own portion of it—run a risk of being wholly neglected under our system of engagements annually renewed. Government further observe, "that the independence of feeling which every man ought to possess can seldom arise when a man knows that he holds his land, as it were, by an annual tenure; that if he fail to till a certain field, and it be omitted from his holding, for one year, his rival may step in and deprive him of it for ever; and, probably, nothing tends more to diminish such right feeling than the inquisitorial visits of Government Officers inquiring what is the extent of his cultivation, and regulating the fluctuating amount of his rent."

4. To the justice of the conclusions set forth in the last quotation, I most fully subscribe, and if the description of annual settlement here given were applicable to the survey system, the latter must be admitted to be, in many important respects, defective. But I am happy to have it in my power to remove so serious a misapprehension of its nature, and trust to be able to show that the Survey Rules will not less effectually render the title of the cultivator to his land secure, exempt him from the interference or surveillance of Government Officers, and hold out to him inducements to lay out capital in the improvement of his land, than the system of long leases, characterised by Government, as possessing these important advantages.

5. You will observe, by referring to Rule 5 of the Joint Report, that the only way in which the title of a cultivator to any field can be vitiated, is through his failing to discharge the assessment laid upon

it. And he will be called upon to pay this assessment upon every field entered in his name in the village books, without reference at all to the circumstance of its being waste or cultivated. So long as he pays the assessment, no field can, under any circumstances, be struck or left out of his holding, except upon his own written application to that effect, under the provisions of Rule 20; and it will thus be evident that no rival or other party could by possibility step in and supplant him in the way supposed by Government. It seems to me difficult to imagine a more secure title to occupancy than this. It is absolutely free from all conditions, except the simple one of discharging the Government land-tax, and this condition, it is evident, could not be dispensed with under any plan of management whatever.

6. The occupant is, moreover, wholly relieved from the interference or surveillance of the Government Officers. Their power is limited to the collection of the assessment due from him for the land entered in his name. They cannot demand more or less, nor even the assessment itself, except at the stated periods fixed for the collections. So long as he is ready with the money due at such times, they have absolutely no power at all of meddling in his affairs. They have no right to interrogate him as to whether his fields are waste or cultivated, his crops good or bad. The payment of his assessment affords a valid and sufficient answer to all objectors. A more completely independent position for a farmer to occupy than this it is hard to imagine. His own industry provides the means of paying his assessment, and he is absolutely free to exert this industry as may seem to him best, without having occasion to defer to the wishes or ideas of any one. I believe that in no country of the world are the cultivators so thoroughly independent as they will be in our surveyed districts, when the rules of the Joint Report shall be fully enforced. In the Dharwar Collectorate, where they are already in operation for the most part, their effect is readily observable in the bold bearing the cultivators quickly assume towards their village Officers, and other influential parties, subsequent to the introduction of the new settlement.

7. Further, while thus securing to the cultivator a simple and secure title to his land, freedom from interference or surveillance on the part of Government Officers, and complete personal independence, the survey settlements may, I think, be shown to be more favourable to the accumulation of agricultural capital, and its application to the

improvement of the land, than a system of leases for a term of years.

8. Owing to the laws and customs in regard to inheritance obtaining in this country, and the few opportunities for the employment of capital, except in the cultivation of the soil, the land has at all times been very much sub-divided, and with these conditions, the existence or creation of a body of large wealthy farmers seems hardly compatible. We may hope, under good management, to see agricultural property very widely diffused, and a very numerous class of small farmers enjoying comfort and independence; but there would seem to be few grounds for anticipating the establishment of a class of wealthy agriculturists cultivating large farms, under any circumstances in India. And I do not know that this is to be regretted; for the problem, as to the best distribution of national wealth, has been by no means so satisfactorily solved, as to enable us, in my opinion, to pronounce decidedly in favour of one or other of these systems. However this may be, our measures have to be framed for the class of small farmers who now prevail universally; and for this class it is admitted that a tenure, involving much responsibility, like that by which the landholder has to pay an invariable assessment for a long term of years, would hardly be suitable.

9. But let us also try the applicability of the survey system to the case of our wealthier farmers, say that of a cultivator holding ten fields assessed at 150 Rupees in all, or 15 Rupees each, and let us suppose that his agricultural capital is increasing, and that the most favourable mode of investing his profits is in the permanent improvement of his land; for example, by digging a well for the purpose of supplying the means of irrigation to a portion of it.

10. Under these circumstances, let us consider which tenure would afford the greater encouragement to such an investment of capital, viz. that by which the cultivator is bound to pay the assessment on his whole farm—150 Rupees for a long course of years, or that by which he pays 15 Rupees for each of his ten fields separately, with the privilege of relinquishing any of them when so disposed. In the former case, he is burdened with a heavy responsibility, which he might not be able to meet should misfortune overtake him, and in this case, he would risk the loss of his whole farm, together with all the capital laid out upon it. In the latter, he has the power of contracting his cultivation, and diminishing his payments

from year to year, as circumstances might make desirable, and would thus be able to retain his most valuable fields, and especially those he had invested capital in improving. Can it be doubted that the diminished responsibility of the tenure by which the cultivator engages to pay the assessment upon each of his fields for one year only, offers in itself the most direct and palpable encouragement to the investment of capital in the improvement of the soil? Every cultivator holding several fields, values most highly some one of them, and upon this, he will naturally incline to invest money in improvements. And will not that system most dispose him to do so, which would enable him to retain this most prized and valued portion of his possessions, even if misfortune should compel him to part with all the rest?

11. Further, it appears to me certain that the greater freedom to contract or extend cultivation from year to year, ensured to the Ryut by the survey settlements, will be most conducive to the securing of a certain influctuating revenue to the State. The revenue depends on the condition of the cultivators. Whatever system is most advantageous to the latter, will best enable them to meet the Government demand, and necessarily be most conducive to the stability of the revenue. Reductions in the extent of the holding of individual cultivators, permitted by the survey settlements, have no perceptible influence on the revenue of a district. Such reductions are met by equal enlargements of the farms of others, and when once cultivation has become general over the land of a district, the effect of these fluctuations on the revenue will become wholly insignificant.

12. The real danger to be guarded against, as well as the greatest obstacle to the permanent success of the survey settlement, will arise through an increase of the population, and is described in the 36th paragraph of the Government letter under consideration "as the "ultimate sub-division of the whole land into very minute occupancies, "accompanied by the impoverishment of the whole agricultural "class." This indeed may be a remote evil, but not the less requiring to be taken into consideration on that account, and further reflection inclines me to think that some further provisions, with a view to its timely prevention, might be added with advantage to those contained in the Joint Report.

13. The most effective means at our command for preventing the land becoming the inheritance of a pauper, or at least poverty-

stricken peasantry, is to afford the greatest possible facilities for its conveyance from one party to another, so that when a cultivator becomes impoverished, and, by his inability to cultivate his land properly, deprives the community of the wealth it is capable of producing, that the land may get into the hands of some one better able to turn it to advantage. The customs and Native revenue systems of India are adverse to such transfers, and it is therefore all the more necessary to adopt measures for giving them effect. Until very lately, ejectment for the non-payment of the Government assessment was nearly unknown, and paupers were allowed to linger on year after year in the possession of land they had no means of cultivating, the Revenue Officers contenting themselves with screwing out of them what they could, and remitting the remainder. This was particularly the case with Meeras land in the Deccan, which, when the Meerasdar was poor, generally remained in a most neglected condition; and for all the benefit derived by the community from it, might almost have been as well sunk under the sea.

14. Rules 3 to 9, and Rule 12, of the Joint Report, have all been framed with a view to guard against the excessive sub-division of land, and to facilitate transfers; but though the power of ejectment is distinctly reserved by Rule 5, in event of the assessment not being paid, it occurs to me, that the course to be pursued in such an event is hardly indicated with sufficient precision.

15. At present, the ordinary mode of enforcing the payment of the revenue is by placing Mohussuls over the defaulter, or by attachment and sale of moveable property; but I think it would be a preferable course to resort, in the first instance, to an attachment of one or more fields, of which the assessment might about equal the balance due, giving the defaulter the option of pointing out the fields to be so attached, as provided in Rule 5, and publishing, in the usual way, that, in event of the balance due not being paid by a certain date, the defaulter's right of occupancy in the said field or fields would cease, and be sold to the highest bidder, in event of more than one person being desirous of obtaining possession. In event of the right of occupancy being saleable, the sum realisable should go to defray the balance due; and, if more than sufficient for this purpose, the portion of it remaining over should be given to the defaulter. In event of the title to the occupancy of the field being unsaleable, and no one agreeing to cultivate it, the ejectment of the defaulter should never-

theless take place, and the field be permitted to revert to waste. In this case, the sums due by the defaulter might be remitted, unless it appeared that the balance was withheld from some other cause than inability to pay; when the usual means, by Mohussuls, or attachment and sale of property, might further be put in force.

16. I am inclined to think the process for ejectment just described would prove a very effective expedient for realising the revenue, and when it failed in this, it would yet have the obvious advantage of getting land out of the hands of a person unequal to the discharge of the responsibilities connected with its occupancy, and wherever there happened to be a demand for land, secure by the sale of the title to the highest bidder, that it should fall into the possession of a person of means. By thus bringing land into the market, traders, pensioners, and other parties having capital, would probably be induced to lay it out in the purchase of land, to the great benefit of agriculture and the community at large. Some remarkable instances of this have come under my notice in the Dharwar Collectorate, and it is my belief that they will be numerous when it becomes generally understood that land may be sold and purchased like any other commodity. When the process of ejectment is used in the case of Meeras land, the Meerassee tenure should, in my opinion, always be declared forfeited, and the land entered in the accounts, thenceforward, as Government. The ordinary tenure of Government land, under the Survey Rules, is, perhaps, as favourable as could be devised, and being free from the objections connected with sub-division by inheritance, and insecurity of occupancy to which the Meeras is liable, it would, in my opinion, be very desirable to substitute it for the latter, whenever practicable.

17. I will now proceed to notice, *seriatim*, the Rules of the Joint Report, which have been reserved by Government for further discussion.

Letter to Acting Secretary to Government, dated 26th October last, No. 206.

18. I have already, in a separate communication noted in the margin, stated my views in regard to the opinion given by Dr. Gibson upon Rule 2.

19. In reference to the remarks upon Rules 4 and 13, I would observe, that the former Rule refers to portions of unarable surface, such as rocky ground, nullas, &c., but not land covered with jungle, included in fields suited for cultivation, upon which an assessment has

been fixed. The latter, on the contrary, refers to fields entered in the Survey Registers as wholly unarable, and upon which, therefore, no assessment has been fixed. The two Rules therefore apply to distinct cases, and cannot, I think, be misapplied in practice. Some of the fields coming under Rule 13, are not, from the nature of the soil, unarable, but from the circumstance of their being now covered with jungle, which did not permit of their being sub-divided into fields of the usual size, and classified in the course of the survey. These, or portions of them, may be expected, in the course of time, to be cleared and cultivated, but should not be allowed to be so until the fields upon which an assessment has been fixed have been all, or nearly all occupied. It is probably only in rare instances that the Mamlutdars will have to fix an assessment on the cultivated portions of such fields under Rule 13. I think, therefore, no risk of misapprehension will occur through both Rules being allowed to stand as at present.

20. In regard to Rule 5th, I have to observe, that, in the survey of the Southern Mahratta Country, the preparation of a trustworthy and correct Register of the holders of fields is effected in introducing the survey rates of assessment. Every person having a field entered in his name, or having claim to land, is summoned to attend at the settlement, and when the assessment of each field has been fully explained to the holder or holders, the field is entered in the Register in his or their names for the ensuing year, in event of their agreeing to cultivate it at the survey assessment, and all disputes as to occupancy decided by the European Officers on the spot. Copies of these Registers, which may be considered among the most important documents connected with the survey, are then taken by the village accountants, who are required to prepare their Cultivation Returns in strict accordance with them, and the originals are deposited with the Collector. I am having the forms, in which the Registers are prepared, lithographed, in order to render it impossible for any fictitious documents to be substituted for the originals, at any future time; and whenever the correctness of the village books happens to be called in question, they will afford the means of settling the point. Rule 5 is to be considered applicable to *bonâ fide* entries in the village books, but if we admit claims to the possession of land from parties whose names do not appear in them, and have not been fraudulently, or through mistake, omitted to be entered, I see no probability of the tenure of land becoming sufficiently simple and secure to admit of its

being freely sold and transferred. If any other title to the possession of land, than that of being entered in the public accounts as the party responsible for its assessment, be recognised, I feel certain that the most important eventual benefits to be anticipated from the survey will never be realised. I consider Rule 5, perhaps, the most important in the Joint Report, and would strongly recommend that it be retained, without qualification.

21. After weighing, to the best of my ability, the arguments adduced in the 11th and 12th paragraphs of your letter, and in the 11th paragraph of Mr. Secretary Lumsden's, I incline to the opinion, that it would be advantageous to retain Rules 7 and 8, without allowing a discretionary power to permit, under certain circumstances, a sharer in a field to cultivate his own portion only, while the rest is allowed to become waste. Such a permission would, I much fear, lead eventually to great laxity of management, while it recognises a departure from the cardinal principle laid down in Rule 3, that no field is, for any reason whatever, to be let for less than the survey assessment. Fields generally contain good and bad soil, and when once a share of a field is allowed to become waste, how are we to prevent the holder of the remaining share from appropriating the best part of the field as his particular portion, and leaving the inferior land as the thrown-up share, so as thus to take away all chance of the whole field being again brought under cultivation? The boundaries of the interior shares of a field are not marked out or described, and could not be so without incurring the danger of introducing confusion into the survey records; and even if this were done, the permission would entail the evil of an annual inspection and measurement to ascertain that the Government waste was not being encroached upon.

22. I believe that cases of real hardship under the Rules in question, would rarely, if ever, occur; but I feel certain, that, if the latter are allowed to be broken through under particular circumstances, the exceptional cases will multiply to an extent likely to vitiate the whole survey system. Every general plan of management must involve hardship in occasional instances to individuals; but if calculated to promote the general good, I should deeply regret to see its integrity broken in upon, for the sake of a few exceptional cases. The preservation of the integrity of the survey fields appear to me an object of such paramount importance, as far to outweigh the hardship

of saddling a cultivator with a little more land than he wants, or even compelling him to relinquish some fractional portion of his paternal inheritance. If his means are so small as only to enable him to cultivate a fraction of a survey field, it would be a public benefit, in my opinion, to get the land out of his hands, and thus admit of the whole field in which his fractional share is included being transferred to some more substantial cultivator. There is danger on the side of over-leniency, as well as over-severity; and I am well persuaded that our revenue management generally is more open to the former than to the latter charge. Small farmers in particular parts of Europe have been got rid of with a degree of unscrupulousness that may have merited censure, but the Rules of the Joint Report, when administered with even the most unbending strictness, will, it may be feared, hardly suffice to prevent the survey fields becoming split up into fractional shares to a greater extent than at present.

23. I have requested you to furnish me with a copy of the Rules regarding the cutting down of trees, contained in the Government letter No. 390, of 12th February 1847, which Government desire to be substituted for Rule 11th of the Joint Report, and in event of their appearing to call for any remark on my part, I will submit my sentiments in regard to them in a separate communication.

24. The object sought to be attained by Rule 12th is described and approved of in the 34th, 35th, and 36th paragraphs of the Government letter; but subsequent to the date of the Joint Report, instances have come under my notice, when the strict enforcement of Rule 12 would have, perhaps, needlessly prevented the cultivation of a large survey field, bearing a high assessment; and I would therefore propose the addition of a clause to the Rule, to the effect, that, when the assessment of a waste survey field amounts to or exceeds 20 Rupees, it may be entered in the names of two or more holders, on the condition, that the assessment of any single share shall not fall short of 10 Rupees. This would effectually prevent its sub-division into small patches, and, at the same time, facilitate the cultivation of any fields of more than the ordinary size and value, for which there might be no single individuals willing to engage.

25. With reference to the remarks in paragraph 43 of the Government letter, upon Rule 20th of the Joint Report, I would observe that the giving up of an old, or taking up of a new field, may be considered a most important act to a cultivator, and that it, therefore, does

not appear hard to require him to undertake a journey to the Kutcherry with a view to its being duly ratified. The object of the Rule is to give additional security to the tenure of the holder of land, by making the act of relinquishing or entering upon possession a public formal transaction requiring the sanction of the Mamlutdar or Mahalkurree to its validity, so as to prevent the chance of any one being deprived of his land, through collusion with the village Officers, or otherwise. The relaxation of the Rule in particular villages for a year or two subsequent to the introduction of the survey, while much new land is being taken up, might not be followed by any injurious consequences; but I would strongly recommend that it be strictly adhered to in all cases connected with the relinquishment of land previously cultivated.

26. In reference to the remarks on the same Rule, regarding the date fixed for receiving notices to resign fields, I am of opinion that the object of enabling the cultivator to make up his mind in regard to giving up any field at so early a date as the 30th April, would be accomplished by the addition of a clause to the Rule, making it incumbent on the village Officers to assemble all the Ryuts on the above date, and after explaining to them that they would have no other opportunity of relinquishing any of their fields, take down at once the names of all those wishing to do so, and send the list with the parties concerned to the Mamlutdar. A public settling day of this kind would deprive the Ryut of any plea for remissions on account of uncultivated fields, owing to forgetfulness of their exact date for resigning, and such like excuses, which it would be desirable to prevent, if possible.

27. Government think it preferable that the periods to be fixed for the payment of the instalments forming the subject of Rule 21 be disposed of apart from the ordinary Survey Rules; and though, not disposed to dissent from this arrangement, I would yet respectfully submit, that the settlement of those periods is of very great importance to the success of the survey settlements, and I trust, therefore, it will not be considered irrelevant to offer, in this place, the following arguments in favour of those fixed by Rule 21. The proposed instalments would fall due on the 15th December, 1st February, 15th March, and 1st May, in the case of districts when the early crops on an average of seasons predominate, and a month later, viz. on 15th January, 1st March, 15th April, and 1st June, in the remaining

districts. Three principal objects were in view in selecting the periods in question: Firstly, to enable the cultivator to provide funds for the payment of his assessment from *bonâ fide* sales of produce; Secondly, to distribute the collections over a period of six months, instead of four, as at present is generally the case, in order to afford the cultivator greater facilities for the disposal of his produce, and prevent prices becoming needlessly lowered during the collecting season, by forcing sales of produce at a sacrifice, which will always be the case when the instalments follow each other too closely; Thirdly, to have the instalments invariable, under all circumstances, for each district, that the cultivators may be taught to use foresight, and adopt timely measures for providing the funds necessary to the liquidation of their rents, by removing the uncertainty, and opportunities for jobbing and favouritism, attendant on the plan of collecting the revenue by variable instalments, according to the report of village Officers as to the proportion of early and late crops grown in each particular season. All of these objects I deem very important; and all will, it seems to me, be fully attained without the entailment of any countervailing disadvantages, by the adoption of the periods for the collection of the instalments mentioned in the Rule.

28. In the earliest districts, viz. those lying immediately east of the Ghauts, in which the whole crop, with some few exceptions, belongs to the early harvest, no part of it could be got ready for market and sold much before the 15th of December; but, by making an effort, a cultivator could manage to sell by that time sufficient produce to make up the 1st instalment, which is only one-fourth of his whole assessment. An earlier date, then, than the 15th of December, could not be fixed upon anywhere, without defeating one main object of the Rule, which is to enable the assessment to be provided by actual sales of produce, instead of by funds taken up at an excessive rate of interest from money-lenders. In these early districts a considerable portion of the crop would be ready for market before the 1st of February, and there would be no difficulty in selling it in time to provide the 2nd, 3rd, and 4th instalments. In the case of the later districts, there would be everywhere a sufficient proportion of early crops grown to furnish the means of paying the 1st instalment, falling due on 15th January, and the late crops could be got ready and sold in time for the payment of the remaining three instalments.

29. In the case of both early and late crops, I feel assured that

the adoption of a shorter interval than six weeks between each instalment would either have the effect of forcing sales of produce and bringing down prices, or of driving the cultivators to the money-lenders, from the want of time and opportunity to dispose of a sufficient portion of their crop to meet each succeeding instalment. I have frequently conversed with intelligent cultivators on this subject, and they have always been sensible of the great advantage that would result to them from lengthening the intervals between the instalments from a month to six weeks, and have freely admitted that, under such circumstances, they would never have occasion to borrow, or dream of doing so, in order to raise money for the payment of their rents.

30. The only objection occurring to me as likely to be raised against the adoption of these instalments, has been alluded to in the 17th paragraph of your letter of 10th September 1847, in which you express an apprehension that, by deferring the last instalment to so advanced a period of the year as the 1st June, in the case of late districts, there would be danger of a portion of the revenue being never realised at all. In regard to an untried experiment we can only reason from analogy, or state probabilities; but my own experience, and I have had more than once opportunities of observing the effect of deferring the instalments to later periods than had previously been in force, leads me most confidently to anticipate that the effect of the proposed change will be quite the reverse of that apprehended, and as surely facilitate the punctual realization of the revenue, as it would, without doubt, prove of advantage to the Ryuts. Deaths by cholera have been very numerous in the settled districts of the Dharwar Collectorate before the close of the collecting season, but I believe it will be found that they have never occasioned the loss of a Rupee to Government. In every instance, or at least in so many that the exceptions become of no moment, the fields of deceased cultivators are retained by their heirs, who pay the balance gladly in order to secure possession of them. When the forfeiture of the field is made the penalty of non-payment, I do not believe that one instance out of a hundred would occur in which the balance could not be realised, and even in this case it would be necessary to suppose that the previous incumbent died a pauper, for otherwise the balance could be raised from the property left by him, or from his heirs, whether they retained possession of his fields or not. I firmly believe that, in prac-

tice it would be found that the postponement of the instalments would not in the least degree increase the loss of revenue which has hitherto occurred through deaths.

31. And if it be said that it would, however, occasion loss in the case of very poor cultivators, whose necessities might compel them to part with their whole produce before the last instalment became due, and who had nothing besides from which it could be realised, I would reply that nothing more desirable could occur, and that the sacrifice of revenue here contemplated would be far more than counterbalanced by the advantage that would accrue from ejecting such paupers from their occupancies, so as to allow of the land falling into the hands of substantial cultivators. I believe, however, that instances of this kind would very rarely occur.

32. I have only further to suggest the advantage of re-arranging the Rules, when the various additions, omissions, and alterations, to be made have been finally settled, and that Mahratta and Canarese translations of these amended Rules, after having received the approval of the Revenue Commissioner, should be lithographed, and furnished to the several Collectors for the use of their district and village establishments. In my opinion, the records of every village should be supplied with a copy of the Rules, for, unless this be done, I do not see how the village Officers and people generally are to acquire an adequate knowledge of the principles and practice of the survey settlements, which will have so important a bearing on their future welfare.

I have the honour to be, &c.

G. WINGATE,
Superintendent Revenue Survey and Assessment, S. M. C.

Belgaum Districts, Superintendent's Office,
at Camp Baba-Nuggur, 23rd December 1848.

No. 17 OF 1849.

To

E. H. TOWNSEND, Esquire,
Revenue Commissioner, S. D.

SIR,

In accordance with the instructions conveyed in your Memorandum No. 3330, of 13th October last, along with which were received copies of your letter to Government, No. 2258, of 10th September 1847, transmitting a Joint Report from the three Superintendents of Revenue Survey, dated 2nd August 1847, and Mr. Secretary Lumsden's reply, No. 5593, of 22nd September last, I have the honour to submit such remarks as appear to me to be called for by the purport of the Government letter.

2. A perusal of the correspondence leads me to conclude that it is only necessary that I should state such additional arguments as occur to me regarding those questions brought forward in the Joint Report which are still under discussion, and this I shall therefore proceed to do as briefly as possible.

3. In paragraphs 4 to 10 of the Joint Report, the objects of a Revenue Survey are described, and along with other questions the superiority of an annual settlement with each cultivator, according to his holding for the year, over a lease binding him down for a longer period, is discussed. With reference to this subject, it is stated in paragraph 2 of the Goverment letter, that "His Lordship in Council does not feel quite assured that the decision at which the Committee has arrived is correct. It is, at least, not so clearly exemplified as to remove all doubt as to the accuracy of the result." As I cannot hope to express my sentiments in favour of the annual settlement more clearly than has been done by the Committee, I shall not attempt to do so at all; it may not be out of place, however, to consider how both systems would work if carried out in practice, or whether, under the existing deficiency of capital and the generally impoverished condition of the cultivators throughout the districts hitherto surveyed, and those under survey, it would be practicable to introduce any

satisfactory system whereby the survey settlements could be administered by long leases. The following statements relative to the Talooka of Rahooree, of this Collectorate, and which, with respect to farming capital and capabilities, is perhaps, on the whole, not an unfavourable specimen of a Deccan District, may tend to elucidate this mode of viewing the question.

4. In the above district there are about 200,000 acres of arable land, of which from 60 to 80,000 acres are at present under cultivation. There are only 8,475 working bullocks in the district; and from my knowledge of the general poverty of the cultivators, I should think it no exaggeration to assume that four-fifths of this class are more or less involved in debt. It is evident that, even under the influence of fixed and equitable rates of assessment, the district can only slowly and gradually recover from such a state of depression, and that a long period must elapse before farming capital can be accumulated to the extent required for the complete development of its agricultural wealth. Unless the present amount of farming stock were at once trebled or quadrupled, it would be impossible immediately to bring under proper cultivation all the lands of the district. The revised survey rates, by securing a fair profit to the cultivator, and enabling him by degrees to free himself from his liabilities, and to add to his resources, will doubtless in a great measure effect this, but only slowly and progressively; and that the result can be attained at all, it seems essential that the cultivators be left entirely independent and unfettered.

5. In introducing revised rates into a district similar to that described above, it would, I conceive, be very dangerous to attempt to bind cultivators by long leases. The settling Officer would have no satisfactory data whereby to ascertain whether a cultivator, desirous of entering into a contract of the kind mentioned in paragraph 10 of the Government letter, possessed sufficient capital to enable him to meet his engagements. Were a cultivator to contract for more land than his means warranted, or were he at any time to be deprived, by adverse circumstances, of a portion of his farming stock, he would have to resort to the money-lender or become bankrupt, and throw up his entire holding; and in either case he would be in a much worse condition than before. A more general view of the question would exhibit the same results, on an enlarged scale. Were all the lands in the district leased out, and a succession of unfavourable seasons

to occur, during which period the cultivators could neither earn an income sufficient to meet their own wants and the Government demands, nor be able to contract their cultivation and liabilities according to their diminished returns, they would have, as a matter of course, to encroach on their capital; or, in other words, the district might be placed in the position of a person who is living beyond his means, and who, finding the interest on his capital insufficient for his expenditure, is obliged to resort to the principal, and who thus in time effects his ruin.

6. But allowing that the settling Officer could originate, in a satisfactory manner, the scheme of leasing out the holdings for lengthened periods, the general condition of the cultivators would only admit of a very small portion of the district being taken up for cultivation on such terms, at the time of the introduction of the revised rates; and should the system gradually be brought into operation during the period of 30 years for which the latter are fixed, it is to be apprehended that, in its working, it would afford much room for the display of the intriguing propensities of our Native officials, and that it would necessarily involve a more minute scrutiny into, and interference with, the affairs of the cultivators than would be compatible with those feelings of independence which it is so desirable to excite in them.

7. The above considerations alone would lead me to conclude that in those districts to which the survey operations have hitherto extended, it would be difficult, if not impracticable, to introduce leases for lengthened periods with any hopes of successful results, and that it is only by means of annual settlements that the revised rates can be administered. Fluctuations in the cultivation and revenue are not to be attributed to short leases, but to the deficiency of capital in a district, the general poverty of its inhabitants, and the obstacles presented to them in the acquisition of gain. No fears, I should think, need be entertained of the cultivators becoming, under favourable circumstances, prosperous and independent. They are, as a class, most persevering, industrious, and shrewd, and the prospect of success alone is wanting to stimulate their energies in the pursuit of gain. Were the cultivators, as a body, in good circumstances, and agriculture a profitable occupation, remissions and inspections of crops might be entirely done away with, without danger to the interests of the Ryut or eventual loss of revenue to Government.

8. The subject of the settlement of village boundary disputes is treated of in paragraphs 22 to 28 of the Joint Report, paragraphs 4 and 5 of your letter, and paragraphs 12 to 15 of the Government reply, and as the only doubt regarding the practicability of the scheme proposed by the Committee relates to the permanency of the settlements effected by the Survey Officers, I have no hesitation in stating my conviction, that if the decisions be considered by the local Officers as binding and unchangeable, and upheld accordingly, there will not be the slightest difficulty in preserving them.

9. The great difficulty in maintaining former settlements has been, in most cases, the impossibility of ascertaining from the written descriptions thereof the boundaries intended to be defined, and the consequent inability of the Officer, to whom at any subsequent period a reference regarding a settlement might be made, to judge of the merits of the case, without examining an immense mass of contradictory documents, any attempt to elucidate which, by recording further evidence, only tended to nullify the settlement, and to leave the dispute in a somewhat more complicated state than before.

10. The boundaries settled by the Survey Officers are defined by marks and are permanently recorded in the village maps. It is true that the marks may be destroyed; but as their destruction constitutes an offence which renders the perpetrators liable to severe punishment, according to the Regulations, such will very seldom occur, and the settlements would not be affected thereby, as the line of boundary can easily be established and renewed by means of the map. I beg to remark, however, that although it might be difficult, in some cases, to obtain legal proof as to the parties actually engaged in the destruction of the marks; such a work could very seldom be effected without the knowledge and connivance of the village Officers, as the boundary marks are numerous and of large size, and to remove them entirely would occupy much time and labour.

11. A further consideration of the subject of rice classification does not enable me to bring forward any Rules which would be generally applicable to all the surveys. The rice lands of this Collectorate differ very much from those of Dharwar. Mr. Tytler, whom I have consulted, informs me that he observes that there is even a great difference between the Desh and Dang rice lands of this Zillah. There is, probably, a much greater difference still between the rice lands of the

Paragraph 18 of Government letter.

countries above and below the Ghauts; I am therefore of opinion, that until we have more certain data to guide us, it would be inexpedient to attempt to draw up general Rules for the classification of rice lands.

12. With reference to paragraph 23 of the Government letter, I would beg to suggest that paragraph 83 of the Joint Report be modified, and stand as follows:—

> 83. The introduction of the survey settlements should, in our opinion, be effected by the Superintendent, in conjunction with the Collector, when circumstances admit of this Officer's presence without interruption to the other duties of his charge, in order that the latter may be enabled to judge of the system, and the former have an opportunity of observing the practical working of the details, and of explaining them fully to the local Revenue Officers in charge of the District, as well as of overcoming any difficulties, and meeting any objections, which may present themselves in the course of the settlement. In case of the Collector not being able to attend, he should nominate an experienced Assistant to be associated with the Superintendent on the occasion.

13. The concluding part of Rule 4 of paragraph 84 of the Joint Report, as surmised in the 14th paragraph of your letter, only applies to cases in which small internal portions of land are deducted as "unarable" from fields on which an assessment has been fixed, and therefore does not appear to call for amendment. Rule 13, on the contrary, applies to fields on which no assessment has been fixed, but which hereafter might be brought under cultivation, for instance, tracts of dense jungle, which it would be impossible at the time of survey to break up into numbers, and classify, but which might contain very good arable land. The fact of these fields being entered in the Registers without any assessment having been fixed on them, would sufficiently indicate them to the local Officers, but the latter might have some difficulty in fixing rates at a future period should the fields, or portions of them, be taken up for cultivation. To obviate this, I would propose that the lowest rate per acre, entered in the Registers for other dry crop lands of the village be levied. This appears just, as, though the lands might actually be

Paragraphs 9 and 14 of your letter.
Paragraph 27 of Government reply.

capable of paying higher rates when cleared and prepared for cultivation, a considerable expenditure of labour and capital would, in the first instance, be required. It would not, perhaps, be advisable to enter rates for such lands in the Registers, as they might tend to mislead, should the assessment be revised at the termination of the period of 30 years, for which the settlements are binding. Rule 13 might be modified as follows :—

> 13. There are some survey fields, consisting in great part of land covered with dense jungle, or otherwise unsuited in their present state for cultivation, upon which no assessment is placed in the Survey Registers. In the event of portions of such fields being brought under cultivation, rates of assessment should be fixed by the Mamlutdar upon the acres under tillage, equivalent to the lowest rates for dry crop soils in the same village. This Rule applies to all fields in the Survey Registers on which rates of assessment have not been fixed.

14. During the progress of the survey operations, all disputed claims to the occupation of fields are noted, and they are investigated and settled by the Superintendent when introducing the revised rates, and agreeing with each cultivator for the land to be taken up by him. With regard to fields, the occupation of which is not disputed, the rights of the *bonâ fide* holders are maintained, and their names are entered in the Cultivation Returns accordingly. After the introduction of the settlement, the proper insertion of the holder's name in the Cultivation Returns is, I conceive, provided for by Rule 20, which does not give village Officers the power of making entries on the subject in the village account, without an order from the Mamlutdar or Mahalkurree. Under these circumstances, no alteration suggests to me by which Rule 5 would be improved.

Para. 10 of your letter.
Paragraph 28 of Government reply.

15. Very few cases in this Collectorate would come under the provisions of Rules 7 and 8, as the holdings are generally of larger area than that required by Rule 1 of paragraph 17 of the Joint Report. As these Rules, however, only contemplate a cultivator being obliged, under certain circumstances, to enlarge his holding to a size capable of being cultivated by a single pair of bullocks, and no more, (vide Rules 5 and 7 of paragraph 17,)

Paragraphs 11 and 12 of your letter.
Paragraph 30 of Government reply.

I can anticipate no obstacles to their satisfactory working. The Rules modified according to the tenor of the remarks contained in paragraph 30 of Government letter, would stand as follows:—

7. When two Ryuts hold a field, and one of them relinquishes his share, or dies without heirs, the share thus lapsing is to be offered in the first instance to the other sharer, before it is offered to any other; and in event of the said sharer declining it, and no other party applying to take it up, the former must relinquish his share too, and allow the whole field to become waste, unless, on an appeal being made by the party concerned, the Collector shall, from inquiry into the case, see fit to decide otherwise.

8. When there are more sharers than two in a field, and any of them relinquishes a share, it should be offered, as above, to the sharers in the first instance; beginning, in event of their failing to settle the matter amongst themselves, with the largest sharer, and so on to the least. If none of these nor any other party be found to take up the relinquished share, the whole field must be thrown up, unless, on an appeal being made by the parties concerned, the Collector shall, from inquiry into the case, see fit to decide otherwise.

16. According to the purport of paragraph 33 of the Government letter, Rule 11 would require to be modified as follows. I have assumed that the Rules prescribed in Government letter No. 390, of 12th February 1847, for regulating the power to cut down trees, do not apply to cases in which the trees might become the property of a holder of Government land by purchase, under the provisions of Rule 2:—

11. Holders of Government fields, or occupants of Meeras, Joodee, or Enam fields, holding the same from Government, have no right to cut down trees growing therein, unless by express permission, and according to the Rule sanctioned in Government letter No. 390, of 12th February 1847. Those trees, however, which have become the property of the holder by purchase under the provisions of Rule 2, may be cut down without permission. In all cases, trees growing on the boundaries of fields must be preserved as land-marks.

Paragraph 15 of your letter.
Paragraphs 40 to 41 of Government reply.

17. With reference to the remarks contained in paragraph 41 of the Government letter, I beg to suggest that Rule 16 be modified as follows:—

16. The grazing of the unarable and other fields not subjected to assessment in the Survey Registers, should be sold by auction by the Collector, as in the preceding Rule; a reasonable proportion being set aside for the free pasturage of such villages as have hitherto enjoyed this right.

Paragraph 16 of your letter.
Paragraph 43 of Government reply.

18. With respect to the clause in Rule 20 which requires those Ryuts who relinquish fields or take up new ones for cultivation to attend at the Mamlutdar's or Mahalkury's Cutcherry, I would respectfully state my opinion that although some trouble may be caused to the Ryuts in consequence, there are, on the other side, many reasons which might be urged in favour of its enforcement. Were the applicants to appear before him, the district Officer would be better able to satisfy himself that the interests of Government are properly attended to; whereas such might not always be the case if the details be left to the management of the village Officers. The fraudulent practices and the bad results arising therefrom, which are described in the 10th paragraph of your letter, and which, it is to be feared, are not confined to a single village or district, could not be easily guarded against for the future, if the village Officers be licensed to make their own arrangements regarding the disposal of the village lands.

19. The very unsatisfactory systems which have prevailed in some districts regarding the giving out of land for cultivation, have, probably, in many cases, impressed the village Officers and cultivators with very loose notions on the subject; and every precaution ought to be adopted to amend this, in districts especially where revised rates are being introduced, and the successful operation of which depends so much on the manner in which they are administered. Formerly, village Officers were sometimes discovered to be cultivating fields, the names of other holders being entered in the accounts; many cultivators were allowed to be continually changing their holdings, or to take up portions of fields for cultivation; and that these, and other irregularities may be entirely put a stop to, it appears to me to be necessary

that a vigilant watch be kept on the proceedings of the village Officers, and that they should be entrusted with as little power as possible.

20. In many villages, the Coolkurnee is the only person who can read and write, and unless the party wishing to take up a field be sent with his application to the district Officer, the latter must be entirely dependent on the statements of the Coolkurnee; and as, under the revised rates, there are in many cases several applicants for the same field, the Coolkurnee might unduly favour the interests of his friends, or of those cultivators who choose to propitiate him by means of a present.

21. I am not prepared to state how Rule 20, regarding revenue instalments, would operate generally throughout all the surveyed Districts, and therefore refrain from making any remarks on the subject.

Paragraphs 17 and 18 of your letter.
Paragraph 43 of Government reply.

I have the honour to be, &c.

G. S. A. Anderson,
Supt., Ahmednuggur Revenue Survey and Assessment.

Supt.'s Office, Ahmednuggur, 21st February 1849.

P. S.—With reference to your letter No. 68, of 9th ultimo, I beg to apologise for the delay which has occurred in forwarding this letter. My time has been so much occupied by other duties that I have been unable to transmit it at an earlier period.

G. S. A. Anderson.

No. 33 of 1849.

To

E. H. Townsend, Esquire,
Revenue Commissioner, Southern Division.

Sir,

In reply to your letter No. 2256, of the 16th instant, I have the honour to state that I did not perceive that my opinion was called for on the Government letter No. 5593, of the 22nd September last,

to your address. I now, however, beg to forward such observations as suggest themselves to me.

2. The plan of leases, proposed in paragraph 10 of the Government letter, would give the lessees a 5 per cent. reduction on the rates fixed by our surveys. Were this reduction to secure the abolition of remissions to the lessees, it would be cheaply purchased. But I fear it would not. It seems to me that the Ryuts in surveyed districts are already as far bound by lease as they, in the present state of the country, can be; and if the great object of our Revenue Surveys is not gained, the cause thereof will be traceable, I think, not to the absence of leases, but to the fact of the new rates not being sufficiently low. If, therefore, our surveys fall short of their object, I should prefer a general reduction of five or other per cent. to an individual one. This would be more simple and uniform in its operation, and, being more general, would be more effectual.

3. In paragraph 12 of the Government letter, it is observed that nearly all boundary disputes have "been made the subject of investigation previous to the survey, with a view to settlement, while not one in a hundred has been actually disposed of." This is because Officers have corresponded and not acted. As the Rules proposed in the Joint Report involve action without correspondence, I have no doubt of their succeeding.

4. In the Dang country I pursued a different course. I always employed a Native Punchayet, under Regulation VII. of 1827, Section III.; with one or two exceptions, all have been thus settled, and to the best of my belief every adjustment has to this day remained undisturbed and binding. By a Rule of the Suddur, an adjustment by Punchayet, under mutual agreement, cannot be disturbed.

5. While I prefer a Punchayet to any individual settlement, if the members are judiciously selected and directed, owing to the local knowledge which they must necessarily possess, I would not propose any alteration in the Rules laid down in the Joint Report, because I think them all well suited to the end in view; while the Survey Officers, not being in permanent charge of the Talooka, would have difficulty in selecting, forming, and directing Punchayets.

6. As regards Rules for classifying rice land, those in force in the Nuggur Dangs have been sent either officially or demi-officially to all the surveys. They give the frame-work of the system, and explain the mode of

Paragraph 18 of Government letter.

valuing, first separately, and then conjointly, the influences which combine to determine the class to which the field belongs. With the trifling alterations required to adapt them to the varying circumstances of the different districts, they have probably been adopted in most of the surveys. In Poona they formerly were not, but have lately been so.

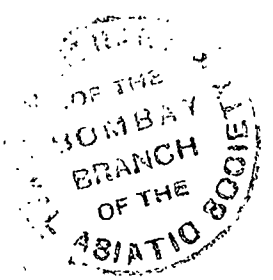
7. I do not think that it is necessary to insist on Ryuts proceeding to the Mamlutdar's Kutcherry to obtain new land: heads of villages may be allowed this patronage. They require building up; and anything tending to this, without involving injury to other interests, is, I think, beneficial.

Paragraph 43 of Government letter.

I have the honour to be, &c.

C. E. Fraser. Tytler,
1st Assistant Collector, late Superintendent Dang Survey.

Sungumneir, 28th May 1849.



MINUTE by the Right Honorable the GOVERNOR, *dated 20th October* 1849, *concurred in by the Honorable Mr.* WILLOUGHBY *and the Honorable Mr.* BLANE.

Revenue Commissioner's letter.

Para. 2. The Revenue Commissioner, Southern Division, informs us that he fully concurs in the remarks made by Captain Wingate in paragraphs 2 to 11: so do I; and so, I anticipate, will my more experienced colleagues, when they read the very forcible and well-expressed arguments used by that most able and intelligent Officer.

„ 3. 2. The objections made by the Revenue Commissioner, Southern Division, in paragraph 3rd, will, I am of opinion, be met, as far as is at present possible, by adding the following words to Rule 5: "and "in cases where the tenure precludes summary eject- "ment, the Collector will observe the forms necessary "to give his orders the force of a legal "decree."

„ 6. 3. In the remarks made by the Revenue Commissioner in paragraph 6, regarding the other provisions of this (the 5th) Rule, I concur.

„ 5. 4. The explanation given by Captain Wingate shows that Rule 4 is not, in any respect, at variance with Rule 13, and the adoption of the proper technical words, when these Rules are rendered into the vernacular languages, and the rendering of Rule 13 as proposed below, will, no doubt, prevent the local Revenue Officers misreading either. In the English version of the Rule 4, the word "barren" may be substituted for "unarable."

„ 17. 5. I do not approve of Lieutenant Anderson's proposed amendment of the latter portion of Rule 13, regarding the rate of assessment to be imposed, but would adopt that substituted by him for the former portion.

„ 7. 6. Rules 7 and 8 should, in my opinion, be relaxed only in cases in which "any of the co-sharers

in a field have held possession of their land for upwards of 20 years," and then never but in cases in which the Collector himself, or an experienced Assistant, may consider the relaxation absolutely necessary, to prevent considerable hardship being entailed on individuals. Revenue Commissioner's letter.

7. For the reasons recorded by my immediate predecessor in the Government, in paragraphs 27 to 31 of his Minute of 16th November 1847, I am averse to any modification of Rule 12, but being willing to defer to the opinion of Officers possessing the practical experience of Messrs. Townsend and Wingate, will not object to the alteration they propose. Para. 9.

8. Captain Wingate's arguments in support of Rule 25 are certainly worthy of attention, and would have appeared to me to be conclusive, but for the practical objection raised by Mr. Townsend at close of paragraph 10, an objection to which, I think, Captain Wingate must yield. Rule 25 should, however, be so altered as to give due form to the act of resigning or taking up a field, and, as far as can be, to prevent "jobbing" on the part of the village authorities. The arrangement proposed by Captain Wingate, in paragraph 21, should certainly be enforced, as recommended by Revenue Commissioner. „ 10. „ 21. „ 11.

9. I am in favour of Rule 21 standing as originally proposed, but shall not object to the Collectors being informed, with reference to this Rule, that if they consider necessary any alteration in the kists therein laid down, they are forthwith to state, in detail, their reasons for so thinking, in a letter to the Revenue Commissioner, who will forward the same to Government. The Collectors may be so informed in a foot-note to the English version. „ 12.

10. I do not approve of the alteration proposed by Lieutenant G. S. A. Anderson, in paragraph 12 of his letter. If the Collector himself holds direct charge of the districts, he will, of course, be present at the introduction of the survey settlement; as will „ 16.

Revenue Commissioner's letter. he also be if the Assistant Collector in charge is not sufficiently experienced to form a correct opinion as to the merits of what is being done, or if, for any other reason, he thinks proper to watch proceedings. The Assistant himself, though ever so inexperienced should also be present, for he cannot be in a better school in which to learn the most important parts of his revenue duties. The Rule may be so worded as to give effect to these instructions.

Para. 19. 11. The Revenue Commissioner, Southern Division, and Superintendents Revenue Survey, are in possession of the views of Government as regards the felling and cultivation of trees, and the Rule on the subject should therefore be worded so as to give effect to those views.

„ 20. 12. The amendment proposed by Lieutenant G. S. A. Anderson, of Rule 16, approved.

13. The remaining paragraphs of the letter from the Revenue Commissioner, Southern Division, do not appear to require any particular notice.

14. The Superintendent Revenue Survey, Southern Mahratta Country, should be furnished with copy of the Revenue Commissioner's letter and its accompaniments, and of the Government reply, as also with transcript of the Joint Report, which last document he should be requested to prepare for the press, by making such alterations in the body of the paper, and adding such foot-notes as will show how the Rules stand, and are to be acted on according to the modifications we have enjoined.

15. When the English version has been printed, Canarese and Mahratta translations of the Rules should be prepared and lithographed, as recommended by Captain Wingate in paragraph 32 of his letter of the 23rd December last, No. 239.

FALKLAND.
J. P. WILLOUGHBY.
D. A. BLANE.

20*th October* 1849.

No. 6 of 1850.

From

G. Wingate, Esquire,

Superintendent Revenue Survey and Assessment,

Southern Mahratta Country.

To

H. E. Goldsmid, Esquire,

Secretary to Government, Bombay.

Sir,

In compliance with the instructions contained in your letter of 16th November last, No. 6901, I have the honour to return the Joint Report therewith forwarded, to which I have made such alterations, and added such foot-notes, as appear to me sufficient to show how the Rules for the future management of surveyed districts stand, and are to be acted on, according to the modifications Government has enjoined. The alterations and additions made will be understood from the following explanations.

2. No change has been made in the body of the Report, excepting in the case of the Rules following paragraph 84; but a note has been added to paragraph 83, to give effect to the instructions contained in paragraph 11 of the Government letter No. 6900, above quoted.

3. The sanctions for the Rules, as they now stand, are quoted in the margin, and remarks by Government, qualifying them in application, are given in foot-notes.

4. In Rule 2 I have added the sentence "but in case of valuable fruit and other trees standing in fields," the words "assessed at dry crop rates," which appear to me necessary to prevent misconception, as the fruit of waste gardens is often sold by auction; but as garden fields pay the higher assessment of irrigated land, it was not intended that a cultivator, agreeing to bring them again into cultivation and pay this assessment, should have to purchase the trees in addition. I have also added, in a subsequent part of the same Rule, the words

"offered at a fair upset price," to show that the Rule does not enjoin a peremptory sale of trees, when a fair price cannot be obtained for them. I have also added a foot-note, to explain that this Rule does not apply to fields specially reserved for the growth or preservation of trees. These additions have not been expressly enjoined by Government, but are, I believe, in accordance with its views, and will, I trust, be approved of.

5. Rules 4 and 5 have been amended, as enjoined by Government.

6. Rules 10 and 11 have been altered, and will, I hope, now be considered in consonance with the views of Government, referred to in the 12th paragraph of your letter No. 6900. These Rules might, perhaps, with advantage, be divided; but, for the sake of facilitating reference, I have thought it better to adhere to the numbering of the Rules given in the original Report. I have not inserted any preamble to these Rules, declaring the right to cut (on application) trees in Gutkool land to be "permissive," and not "proprietary," recommended in the 3rd paragraph of Dr. Gibson's letter No. 226, dated 17th April 1846; as a chief object of the Survey Rules, generally, is to convert the tenancy at will tenure of the Gutkool lands into a proprietary and saleable occupancy, and, I think, Government would not desire the insertion of aught that would have a tendency to interfere with the attainment of an end so important. In reference to Dr. Gibson's suggestion in the same letter, to substitute for "a period anterior to the age of the trees," "a term of twenty years," I have thought it best to insert both terms in the Rule; for, while the latter is desirable to prevent trouble and dispute, regarding the age of old trees, which Dr. Gibson apparently had in view, the former is equally necessary to reserve to the holder of a field a right over all trees reared by himself, with which it would be wholly at variance with the spirit of the Rules for Government to interfere.

7. Rules 12, 13, and 16 have been amended, as required by the Government instructions.

8. I have altered Rule 20, so as to meet the views of the Revenue Commissioner and Government, though I feel it incumbent on me to acknowledge my preference for it as it originally stood. In the new Rule I have endeavoured, by requiring the attestation of witnesses to a petition to resign land, and the immediate transmission of the petition to the Mamlutdar or Mahalkurree for countersignature, to guard

against any one being deprived of his land through fraud or collusion on the part of the village Officers or others. The risk of this is considerable, and will increase if the possession of land become more coveted than at present. The objection urged by the Revenue Commissioner, in the 10th paragraph of his letter of 10th August last, to the original Rule, as throwing additional work on Officers already overwhelmed by the multiplicity of their duties, is one of great force, and would be conclusive were this invariably the case; but, I apprehend, that in bringing it forward, he had hardly in view the immense reduction of revenue work, required to be done by the district Officers, effected by the survey settlements. In those districts of Dharwar, in which the survey has been some years in force, I have myself been assured by the district Officers, that they have little revenue business to perform, besides the preparation of the usual routine papers for the Hoozoor; and that for days and even weeks together they do not receive a petition on the subject of land or revenue. I am of opinion, that the revenue duties of Mamlutdars in surveyed districts, are, even now, far from overwhelming, and that they may be expected hereafter, when the village Officers are placed on a more efficient footing, to become of very easy performance. I do not, however, urge the re-adoption of the original Rule, as the provision of the amended one will, I trust, have the effect of preventing jobbing in the disposal of land on the part of the village Officers.

9. I have added a clause to the form of Proclamation in Rule 23, to intimate that wilful injury done to boundary marks is a criminal offence, and punishable under Act III. of 1846, which, I trust, will be approved of.

10. These are all the alterations and additions made in the Rules with the exception of one or two unimportant verbal amendments, which do not appear to require specification.

11. I am not aware whether it is the intention of Government to print the Joint Report, as now amended, by itself or along with the rest of the correspondence, but, I think, the latter plan would be preferable, as likely to afford the means of clearing up obscurities and resolving doubts, observed or suggested during a perusal of the Report. And in case of its being resolved to print the correspondence entire, I may here bring to notice, with a view to its correction, an important error occurring at the close of the 34th paragraph in all the copies of the Government letter No. 5593 of 1848, which I have seen,

where the word "prohibited" is used instead of "promoted," by which the sense of the passage is made exactly the opposite of that intended.

I have the honour to be, &c.

G. WINGATE,
Superintendent Revenue Survey and Assessment,
Southern Mahratta Country.

Superintendent's Office, Camp Kolapoor,
7th January 1850.

APPENDIX A.

The Right Honorable the Governor in Council directs that the following Papers be annexed to the Official Correspondence on the System of Revenue Survey and Assessment, printed by order of Government in 1850, and that the Supplemental Rule be observed in those Collectorates, which have been subjected to a revision of Assessment.

By order of the Right Honorable the Governor in Council,

H. E. GOLDSMID,
Secretary to Government.

Bombay Castle, 23rd May 1851.

No. 104 OF 1851.

To

H. E. GOLDSMID, Esquire,
Secretary to Government, Bombay.

SIR,

In compliance with the instructions contained in the Government Letter, No. 8473, dated 16th November last, to the address of Captain Anderson, Acting Superintendent, I have the honour to submit, for the consideration of Government, the subjoined Supplemental Rule to those of the Joint Report, together with translations of the same in Mahratta and Canarese.

2nd. The Rule in question has been approved of by the Conservator of Forests, and its scope, as well as the objects it is intended to subserve, will be fully understood from the correspondence between that Officer and myself noted in the margin, of which copies are transmitted with the present communication.

Conservator of Forests' Memorandum No. 17, dated 7th January 1851.

Superintendent's letter to the Conservator of Forests No. 40, dated 24th January 1851.

Conservator of Forests' letter No. 114, dated 24th February 1851.

3rd. I beg also to transmit for approval a Mahratta and Canarese Notice, embodying the Government sanction for giving ½ per cent. of village lands for plantations called for in the 2nd paragraph of the Government letter above quoted.

I have the honour to be, &c.

G. WINGATE,

Supt. Rev. Survey and Assessment, S. M. Country.

Superintendent's Office, Belgaum Districts,
Camp Herkul, 14th March 1851.

Supplemental Rule to those following Paragraph 84 *of the Joint Report by the Superintendents of Survey, dated 2nd August* 1847.

The specifications regarding trees contained in the 2nd, 10th, and 11th of the Survey Rules, are not to be considered applicable to villages and parts of villages specially selected by the Conservator of Forests, and approved of by Government, for the growth and preservation of teak and other trees on behalf of Government: in such villages and parts of villages property in trees, and also the arrangements made for their preservation, shall remain unaffected by the introduction of the Survey Settlement.

PROCLAMATION.

Be it known to all, that Government is anxious to have Mango, Tamarind, Banian, Peepul, and other useful trees planted in the vicinity of villages, in order to afford shade for men and animals, and with this object has sanctioned the Rules of July 1849 regarding grants of small pieces of ground in hereditary Enam to any persons who may agree to plant them with useful trees, to be carefully preserved, as enjoined by the Rules in question; and Government has further declared, in a letter, No. 4130, dated 20th May 1850, and addressed to the Revenue Commissioner, Southern Division, that such small Enams may be granted in any village to the extent in all of half an acre for every hundred acres of arable land contained within the limits of the same village.

No. 17.

MEMORANDUM.

Alibag, 7th January 1851.

The Conservator of Forests has the honour to forward to Captain Wingate a fasciculus of correspondence touching Rules for Forests.

2. He does this in order to put Captain Wingate in a position for complying with the request of Government as to drawing up certain Supplemental Rules calculated to settle the question of Forest Rights.

3. The undersigned has all along been acting on the impression that the Agreement drawn up by Captain Wingate and himself, in January 1849, at Kogulgeery, met the requirements of the case in a manner sufficiently clear.

In conformity to the provisions of that Agreement, he, in June 1849, forwarded to the Collector of Poona a list of villages which, as containing forest, he deemed should (in their forest portions) be subject to the old Wywat, and exceptions to the Rules of the present Survey in regard to trees.

4. Captain Wingate is aware that in some of these forests, as Singhur, the whole Ghera of the Fort containing forest is parcelled out into Enams for Sunundies and others. These parties have, however, never dreamed of making any claim to the teak growing in these grounds, but quietly cultivate their raggy on the hill sides, taking care of the trees thereon.

So also in the Koorun grounds of Chas Kuman, cultivation is carried on, and the trees are lopped and attended to, nay often improved, now that care is taken of their preservation.

Such is the case in Gor-Nehr also; but latterly a Patel there claims, in virtue of the Revenue Commissioner's Circular of 1847, the teak growing in his Enam, although it can be satisfactorily proved that this has been conserved from the Peshwa's time on Government account.

5. Further, in regard to the Jambool plantations in Gor-Nehr, these have been and continue to be a Government preserve. It may

be necessary to state that the Jambool grows in the "Charas," or alluvial lands forming "Bets" in the river, and lining its banks. These Charas are, from the action of the river, continually liable to variation. In some of them cultivation is carried on either by Wywat or in ground said to be Meeras.

6. To attempt to define the limits of such is a matter of great complexity, as well as to say when a tree, from the shade it throws on the ground of the neighbouring cultivator, may be reckoned as belonging to him or the Government.

In 1848, on the urgent solicitation of Mr. Davidson, the Conservator, with some trouble, portioned off the number of trees said to belong to a man having a Meeras holding, and to define them from those which, as growing in the lifts and broken banks of the river soil, were the property of Goverment.

The result of the experiment has been so little encouraging that he is not disposed to extend it.

The Meerasdar cut down, in 1850, the trees in his holding, and, at the same time, appropriated 64 from the adjacent Government preserves.

True, he may be fined and punished for this, but in an extended view of the same case the frequency of such a necessity would become intolerable from the labour it entailed.

7. On the whole, as to these preserves, the question resolves itself into this: Is it desirable to encounter the labour and uncertainty of minute portioning off of rights; or, in terms of the Agreement of 1849, are certain spaces to be allotted off bodily as reserves, and treated entirely according to the old Wywat? The result of acting on the former principle will, in the Conservator's opinion, be that three-fourths of the now growing and promising forest will be lost, and these three-fourths in the best portion, viz. the lower slopes of the hills, where there accumulates soil sufficient to cause a stick to become a tree.

8. The Conservator is prepared to state that, in certain trees, Government has always maintained a proprietary right, both in the Deckan and the Conkan.

In proof of this he would refer to the clearly expressed opinions of

Mr. Pelly, the first Collector of the Conkan.
Mr. Dunlop, who followed him.
Mr. Reid, ditto.

To the arguments and proofs adduced by Mr. Coles, the present Collector of the Southern Conkan, and to the existing practice in all countries at present or lately under Native rule, as Sawunt Waree, Sattara, &c., as also to the existing practice in all alienated forest villages in British territory.

In these countries and villages, claim is exercised over all teak and sissoo, wherever growing.

9. The proposed plan is more considerate, as it is confined to certain tracts where forest has been or is.

The proof of the proprietary right of Government is offered in the form of ancient usage unquestioned, of existing practice also unquestioned, and the recorded opinion of the several Officers who have had the chief authority in forest preserves from the time these fell to the British Government, on the cessation of the Peshwa's rule.

10. Lastly, as to the Koorun or Babool preserves set apart by Government, in 1847, on the Bheemtharri and Moota Moola Rivers. Encroachments on these have, since the date of the Revenue Commissioner's Circular of 1847, been numerous and extensive, and as the treeless state of most of that country rendered it desirable that they should be kept up in the same state as to boundaries as that in which they were received from the Officers of the stud at Aligam (when the latter ceased to exist), the Conservator has been at much pains to bring into operation the provisions of the Convention of January 1849, with a view to their being kept entire.

11. On those within the limits of the Nuggur Zillah in particular, such as that North of Patus, successive encroachments have nearly destroyed the vestige of a Koorun.

12. The Conservator hopes that the foregoing particulars may suffice to enable Captain Wingate to determine the nature of the Supplemental Rules into which the general principle of the Agreement concluded in 1849 may be fitly extended.

A. Gibson,
Conservator of Forests.

No. 40 of 1851.

To

Dr. Gibson,

Conservator of Forests,

Bombay.

Sir,

With reference to your Memorandum dated 7th instant, and the correspondence forwarded therewith, which I now return, I have the honour to transmit, for your consideration, a draft of a Supplemental Rule to those printed under the Government Order of 5th March 1850, which, it appears to me, will fully meet the difficulties detailed in your Memorandum under reply, as it excludes from operation so much of the Survey Rules as relates to trees in all villages and parts of villages selected by you, and approved of by Government, for the preservation of teak and other trees.

2nd. It is of great importance, however, in my opinion, that such villages and parts of villages should be selected as soon as possible, to avoid the semblance of resuming any privileges granted by the Survey Rules; and I would suggest that the property in trees declared by Rule 10th of the Survey Code should in no case be interfered with, unless the exceptions contemplated in the Supplemental Rule, herewith submitted, be made within the year subsequent to the introduction of the Survey Settlement in any district, and before the close of the present year (1851) in the case of districts in which the Survey Settlement and Rules are already in operation.

3rd. I beg also to forward a Mahratta version of the Supplemental Rule, and request to be favoured with your opinion of it, as well as of the English one. Should they both meet your approval, I will submit them to Government, for the purpose of being added to the Survey Rules already printed, on receipt of your reply.

I have the honour to be, &c.,

G. Wingate,

Supt. Rev. Survey and Assessment, S. M. Country.

Superintendent's Office, Camp Soortoor,
24th January 1851.

No. 114 of 1851.

Meeanee, Sindh,
24th February 1851.

To

Captain Wingate,
Supt. Revenue Survey, S. M. Country.

Sir,

In reply to your letter No. 40 of 1851, received yesterday, I have the honour to state that the draft of the Supplemental Rule which you have done me the honour to forward, appears completely to meet the requirements of the case.

2nd. The provision contained in paragraph 2nd appears necessary and proper, and I will take care that it is duly complied with.

3rd. Indeed, I had already, in June 19th, 1850, submitted a list of villages to the Collector of Poona. This list I hope to complete before the end of July; that for Ahmednuggur shall in like manner be attended to at the earliest possible date.

I have the honour to be, &c.,
A. Gibson,
Conservator of Forests.

The Right Honorable the Governor in Council directs that the following papers be annexed to the correspondence on the System of Revenue Survey and Assessment printed in the year 1850, and that Rule 11, in paragraph 84 of the Joint Report, dated 2nd August 1847 (page 22 of printed copy), be considered amended accordingly.

By order of the Right Honorable the Governor in Council,
H. E. Goldsmid,
Secretary to Government.

Bombay Castle, 26th May 1851.

To

W. W. Bell, Esquire,

Collector, Dharwar.

Sir,

I have the honour to request that you will inform me whether you are of opinion that Government would permit the modification of any part of the Survey Rules as published in the printed correspondence circulated; that part of Rule 11 conveying authority to Patels and Koolkurnees to permit the cutting of timber trees in Government waste lands being, in my opinion, calculated to cause an infinity of mischief, and defeat the object of increasing the number of trees, which it is the wish of Government to effect.

2. Patels and Koolkurnees are authorised to permit trees in Government waste lands to be cut for agricultural purposes, on condition that two trees are planted for every one so cut.

3. No man will be so foolish as to cut his own trees, so long as he can get Government trees for nothing; the effect of the publication of this Rule, when understood in places where timber is scarce and valuable, will be a scramble for the Government trees; every man will discover that he wants a plough or a harrow; each will be afraid that his neighbour may apply before him, and the fewer the trees the greater will be the rush; the consequence of this excitement will be a host of squabbles, jealousies, and heart-burnings among the applicants themselves, and innumerable complaints of corruption and partiality (true or false) against the village Officers who have had to decide upon the application.

4. The condition of planting two trees for every one cut will very easily be fulfilled; according to the Rule, there is no obligation to water or take care of these plants; and it is, therefore, very probable that a good many of them will not grow to maturity.

5. The Patel and Koolkurnee are entirely unrestricted as to the position or utility, for shade or ornament, of the trees they may permit to be cut down; so long as they belong to nobody, they are justified by the Rule; and the result will be, that numbers of fine trees, perhaps the growth of centuries, the pride and ornaments of whole villages, will be destroyed to gratify some feeling of spite or jealousy.

6. It is needless to recapitulate all the evils that will result from the publication of this most unfortunate Rule: on very slight consideration of the matter they will be obvious.

7. On first perusing the Rules, it never struck me that the mean-

ing of this one could be what it now appears, but my attention has lately been particularly attracted to it by a complaint made against a Koolkurnee of a village, in the Khode Talook, of having sold two trees growing near a village in a piece of uncultivated Government land; the Koolkurnee denies having sold the trees (and there is no proof that he did so), but acknowledges having given permission to a man to cut them, and quotes as his authority your Canarese Circular, No. 29, dated 19th February 1849.

8. I would suggest in lieu of this Rule, that, leaving the cultivators to do as they please in their own fields, no tree on Government waste land should be cut without the permission of the Mamlutdar or Mahalkurree, and then only on payment of a fair price, to be determined by the Mamlutdar or other Officer deputed to dispose of the tree, or by public auction.

9. Of course, neither the modification I propose, or the Rule as it now stands, can be carried into effect in the neighbourhood of the jungles; it is only where timber is scarce and valuable, that it is necessary to take precaution for the preservation of it.

10. The mischief to be anticipated from the Rule under discussion is so palpable, that I would recommend an order suspending the objectionable part of it to be immediately circulated, but Government have so strictly insisted upon exact and particular conformity to these Rules, that it will probably be advisable to obtain authority for modifying some part of them before proceeding to do so.

I have the honour to be, &c.

W. A. Goldfinch,
1st Assistant Collector.

Seegaum, 12th November 1850.

(True copy)

W. W. Bell, Collector.

No. 133 of 1851.

To

E. H. Townsend, Esq.,
Revenue Commissioner, S. D.

Sir,

I have the honour to acknowledge the receipt of the correspondence on the subject of Rule XI. of the Joint Report, forwarded with

your letter No. 1649, dated 25th ultimo, in which you request me to state my opinion as to which of the Collectors most correctly understand the intention of the Rule alluded to, and how far I concur in the objections urged against it.

2. It will be observed, from the marginal note to Rule XI., that the Superintendents of Survey did not contemplate conferring on the cultivators the privilege of cutting down, with the permission of the village Officers, trees in Government waste, or even fruit and large timber trees standing in their own fields. The original version of the Rule was altered in compliance with the instructions contained in the 33rd paragraph of the Government letter, dated 22nd September 1848 (vide page 49 of printed papers), by which the Rules prescribed in the Government letter No. 390, of the 12th February 1847, are directed to be upheld.

3. I am in consequence unable to state with certainty the exact intention of the Rule, but I agree in the interpretation of it given by the Collector of Sholapoor. It would appear, from the correspondence connected with the Rules of 12th February 1847, that they had in view more particularly the circumstances of the Sholapoor Collectorate, and that the privilege of cutting trees on waste fields, with the permission of the village Officers was accorded, in order to enable the cultivators to obtain, without inconvenience or delay, the wood required for the repair of their agricultural implements. This wood is chiefly babool, of a small size; and from the circumstance of the Rule requiring the permission of the Mamlutdar or Mahalkurree to be obtained in order to cut wood for building or other purposes, it is clear to me that it was intended to limit the permission to be granted by the village Officers, to cutting down small trees of little value, as might be required to meet emergent applications from Ryots for wood for the repair of agricultural implements.

4. I am of opinion, then, that there is nothing in the provisions of Rule XI. to prevent a Collector absolutely forbidding the village Officers to permit a cultivator to cut down any tree large enough to provide building timber; without first obtaining the permission of the Mamlutdar or Mahalkurree; and he might also, in my opinion, without in any way controverting the Rule, forbid the latter Officers on any pretence to accord this permission in the case of trees useful for shade or ornament, or for other reasons deserving of preservation.

The Rule is clearly limited to trees against the cutting of which there may be no objection.

5. I further agree in opinion with Mr. Goldfinch, that it is in many cases very undesirable to allow cultivators to cut wood from the Government waste without paying for it, but I am not of opinion that this is required by the Rule. The latter contains no specification for letting them have wood *gratis*, and I see no objection to a fair price being placed upon the trees permitted to be cut under the Rule, as suggested in the 8th paragraph of Mr. Goldfinch's letter. This point might be left to the discretion of the Collector, as in some localities the value of wood is so trifling, that it would not be worth the trouble to fix and receive a price for the trees allowed to be cut.

I have the honour to be, &c.

G. WINGATE,

Supt. Rev. Survey and Assessment, S. M. C.

Superintendent's Office, Dharwar, 5th April 1851.

Amended Rule 11 of the Joint Report by the Superintendents of Survey, dated 2nd August 1847. (Vide page 22 of printed copy.)

RULE XI.—Holders of Government fields, besides those specified in preceding Rule, or occupants of Meeras, Joodee, or Enam lands, holding the same from Government,[e] must obtain permission to cut down trees, and will, in event of permission being given, be required to plant two trees for every one cut, unless exempted from this condition by order of the Collector. Permission to cut young babool or other trees of little value, which are neither fruit-bearing nor useful for shade or ornament, whether growing in the fields referred to in the preceding part of this Rule, or in Government waste fields, may be granted by the Patel and Koolkurnee to meet emergent applications from cultivators for wood required for the repair of their agricultual implements, a record thereof being kept for the inspection of the Government Officers. For other actual and immediate wants of the villagers, such as repair of houses, &c., permission to be obtained from the Mamlutdar or Mahalkurree, but for cutting any large

[e] have permission to cut down babool, date, and all young timber trees, with the exception of those growing on the boundaries, which are to be preserved as landmarks, and fruit or large timber trees, none of which are to be cut down without permission from the district revenue authorities, unless the property of the holder by purchase, under the provisions of Rule 2.

number of trees, or for any purpose of sale or profit, the permission of the Collector, or one of his Assistants, to be necessary, when any conditions which may appear advisable can be imposed. The Collector, however, may, at his discretion, require a fair price to be paid for any trees permitted to be cut under this Rule.

APPENDIX B.

RULES FOR BOUNDARY MARKS.

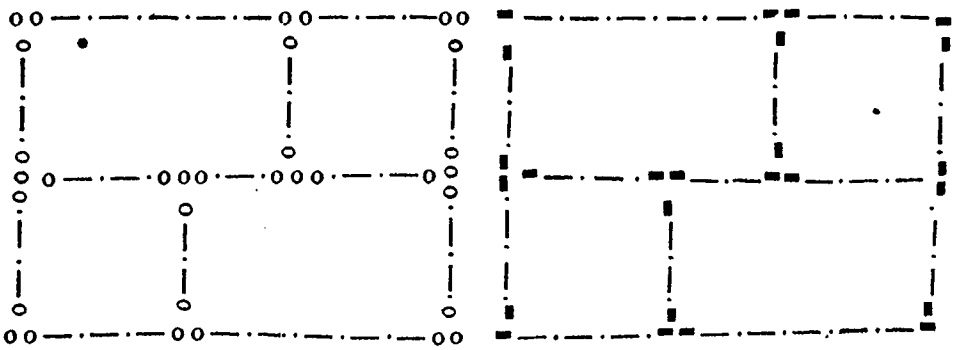
The following Rules (of which 1 and 16 were drawn up by Captain Wingate, Revenue Survey Commissioner), for the maintenance and repair of Field Boundary Marks in Districts where the Revenue Survey Assessment is being administered, have been passed by Government, after obtaining the opinions of the several local Officers, Superintendents, and Revenue Commissioner of the Southern Division.

1. The Field Boundary Marks to be maintained in proper condition are Stones and Mounds of earth or of stones of the following dimensions :—

1st. Stones of 1 to 2 cubits in length, half sunk in the ground, and the exposed portion white-washed.

2nd. Mounds of earth or of stones, 8 cubits long, 4 cubits broad at bottom, and $\frac{3}{4}$ cubit at top, $2\frac{1}{4}$ cubits high.

2. Each corner of a Field or Survey Number should be defined by two Mounds, or by three Stones, as shown in the subjoined examples. The mark o represents a Stone, the mark ▬ a Mound.



3. When the interval between adjoining Boundary Marks placed at the corners of Numbers exceeds 12, and falls short of 24 Goonta

chains in length, there should be a single Mound, or one Stone in place of it, about the middle of the interval, and on the line of boundary. When the interval exceeds 24 chains in length, there should be a Mound or Stone set up at every 10 or 12 chains, along the line of boundary. In addition to these Marks there should be a Stone at every large bend or angle in the line of boundary.

4. When a Number is bounded on any side by a nulla, river, canal, hedge, embankment, or stone wall, no Boundary Marks are required on that side, and any cultivator who may have good reasons for wishing to do so, should be permitted to form a new hedge, ditch, canal, embankment, or stone wall, along any side of a Number hitherto defined by Boundary Marks.

5. Stones are more suitable for Boundary Marks than Mounds of earth, in low situations liable to be flooded by the overflow of nullas or rivers, and in very rainy climates, where the Mounds would be liable to be washed away during the monsoon, also in valuable garden or rice lands, when the Numbers are small and the Mounds would take up so much space as to interfere with cultivation. In any of these situations but in no others, Stones may be substituted for Mounds of earth, at the discretion of the local Officers.

6. At the annual inspection of Field Bounday Marks enjoined by the 23rd of the Survey Rules, when a Mound is found to be not less than $1\frac{1}{2}$ cubit in height, it is to be considered in good repair, but when it has sunk below this height, it is to be considered as wanting repair, and is to be raised to the height of $2\frac{1}{4}$ cubits required by Rule 1. Stones are to be daubed with white-wash during the course of the annual inspection.

7. When more Boundary Marks than are required by Rules 2, 3, and 4, are found on any line of boundary, so many of them as may be in excess are to be allowed to fall to ruin, and are not to be repaired. Such extra Marks are not to be entered in the Inspection Register at all.

8. When any Mound requiring repair is found to be of greater length than 8 cubits, then a portion of it only of this length is to be repaired, and the remainder is to be left untouched.

9. The Village Officers of every village in which Mounds have been erected, should be required to keep 3 rods, respectively 8, 4, and $2\frac{1}{4}$ cubits long, to measure the length, breadth, and height of the Marks, and these rods should be taken to the field at all Field Boundary Mark inspections.

10. In the case of dry crop land, a strip of 2 to 3 cubits in width must be allowed to remain unploughed between adjoining Marks, in order that it may become overgrown with grass and bushes, so as to form a distinct and easily recognisable boundary to the Number. Rice and garden lands have usually well-defined boundaries, such as banks or hedges, but when they have not, a strip of one cubit in width should be left unploughed, to connect adjoining Marks, and constitute the boundary. And where the village limits have been defined at the time of Survey by double lines of Boundary Marks, the intermediate strips of land are to remain unploughed.

11. The foregoing Rules apply to all villages in which Field Boundary Marks were systematically set up during the course of the Revenue Survey, or have been so since its completion. They apply, therefore, to all villages in the Collectorates of Dharwar, Belgaum, Ahmednuggur, the Canarese Talooks of Sholapore, the Baramuttee Kurryat of the Indapoor Talook, part of the Donja Petha of the Havellee Talook, the Mamlutdar's division of Poorundhur Talook, and the entire Sewnere, Kheir, and Mawul Talooks of the Poona Collectorate.

12. In the Mahratta Districts of Sholapore, the Talooks of Indapoor (exclusive of the Baramuttee Kurryat), Bheemthuree, Havellee (exclusive of part of Donja Petha), Pabhool, and the Soopa Petha of Poorundhur, in the Poona Collectorate, Field Boundary Marks were not systematically constructed at the Survey, and the Collector should determine whether there are any villages in these Districts to which the Rules should be made applicable.

13. In villages to which the nine first Rules may be decided to be inapplicable, existing Boundary Marks of whatever kind are to be carefully kept up, and Rule 10, regarding the breadth of space between Fields to be kept unploughed, is to be every where enforced. Also in all cases of disputed or doubtful boundaries settled by the District Authorities, Stones are to be placed on the limits, as required by Rules 2 and 3.

14. Repairs to Boundary Marks in Khalsat uncultivated lands are to be made by the local Officers at the expense of Government, unless the Collector is satisfied that the repairs would be as effectually and more cheaply made by the farmers to whom the grazing of this land is annually sold, under the 14th, 15th, and 16th Survey Rules, when a clause, requiring this to be done, should be included among the conditions of the sale. When the former course is adopted, the

farmers of waste should be freed from all responsibility whatever connected with the Boundary Marks, as the sale of the grazing farms must be injured by laying any amount of responsibility on them.

15. To provide funds for the repair of Boundary Marks to Khalsat uncultivated lands, the Collector is authorised to deduct from the amount for which the grazing farms of each Talook or portion of a Talook to which the first nine Rules are applicable may sell, a sum not exceeding 5 Rupees for every 1,000 acres of waste, and hold this amount in deposit until the 15th day of July in each year, when any unexpended balance of it should be brought to credit on account of the grazing farm, so as to prevent any accumulation of funds beyond the close of the Revenue year.

16. In Talooks where the Boundary Marks to uncultivated lands have been allowed to fall into great disrepair, and the sum provided by the foregoing Rule would not suffice for their restoration, the Collector is authorised to expend from the collections on account of grazing farms double the amount allowed by the preceding Rule, or to the extent of 10 Rupees for every 1,000 acres of waste, on reporting his reasons for this extraodinary expenditure, for the information of the Revenue Commissioner.

17. The Ryuts are not to be allowed to dig out earth close around the Boundary Marks for the repair: they are to leave a space of 2 cubits in breadth all round the Marks untouched, so as to prevent injury to the Mounds from water lodging in the cavities from which the earth for the repairs is taken.

18. The Assistant Collectors are personally to examine the Boundary Marks of some of the "Numbers" of several villages in every Talook, as soon as possible after the completion of the examination by the Native local Officers. In the case of Districts which are under the immediate superintendence of the Collector, that Officer is to mark off several Numbers in the Village Registers for examination by the Dufterdar or other high Officer of the Establishment.

19. The Revenue Commissioners, during their circuit, are to take measures for preventing the inspection ordered in Rule 23, paragraph 84, of the Joint Report becoming a mere form.

A. MALET,

Chief Secretary to Government.

Bombay Castle, 20th August 1852.

APPENDIX C.

Memorandum framed by Captain Anderson, Superintendent, Southern Mahratta Country Survey, and approved by Government, for the guidance of Revenue Officers in deciding questions regarding Occupancies and Subtenancies. (See Rules 7 and 9 of the Joint Report.)

1. The person whose name is entered in the accounts for any Revenue Survey Number, is called the Khatedar or occupant of that Number, and is solely responsible to Government for the revenue.

A person, cultivating as a subtenant, under the Khatedar by right of inheritance, is called a "Warusee Pot Kurda."

A person, cultivating under the Khatedar, without any right of inheritance, is called a "Pot Kurda."

2. Whatever rights the Khatedar of a Number himself possesses he can transfer by resignation of Khate to any other person, so long as he transfers an entire Revenue Survey Number, or his entire occupancy (Khate) in any Number, the transfer of a part only of his occupancy (Khate) in any Revenue Survey Number is not permitted.

3. A Khatedar may sublet, lease, or mortgage land occupied by him on any terms he pleases, the Revenue Authorities will aid him in recovering any arrears of rent from his subtenants, so long as petition for the recovery of such arrears is made within the year in which they fall due.

4. If a Khatedar dies leaving more sons or more heirs in equal degree than one, the name of the eldest son, or next heir alone, shall be entered in the accounts to the entire occupancy of the deceased. By the (Native) law, all sons can claim a share of their father's holding. With the enjoyment of such legal shares by co-heirs of the Khatedar, the Khatedar can, in no way, interfere. The names of the younger sons or other persons inheriting as co-heirs may only be separately entered in the

accounts to any whole Revenue Survey Number, or parts of Numbers constituting an entire occupancy, if the eldest son or next heir as Khatedar gives his written Razeenama, according to Rule 9, in person to the District Authorities.

5. Should a Khatedar proceed under Rule 9 of the Joint Report to transfer to any third person a Khate, including the share of a person holding by right of co-heirship, the circumstances are to be reported to the Collector for orders. Any transfer by the Khatedar of a share of his occupancy, held directly or indirectly, by a subtenant, under right of co-heirship, in no way affects the rights of that co-heir or any rights derived from him.

6. A Khatedar can treat as an ordinary subtenant any co-heir cultivating a part of his own (that is the Khatedar's) individual share of an inheritance.

7. A co-heir may sublet, lease, mortgage, or hand down to his heirs his inheritance, his rights over land, and the rights derived from him are equally strong with those of the Khatedar himself, though no name but that of the Khatedar appears in the accounts.

8. If a person holding land by right of co-heirship without the Khate should die without heirs, his lien over his share lapses to the Khatedar.

9. The claim of a subtenant cultivating without any written agreement is considered to expire at the end of each year.

10. If a subtenant cultivating under a Khatedar without any written agreement declines to vacate on the requisition of the Khatedar, the Collector will, on the petition of the Khatedar, within six months of the beginning of the year, place the Khatedar in possession, on his paying at a valuation effected by Punchayet or by mutual consent, for any improvements of a permanent nature effected, or for any standing crops.

11. If a subtenant holds land under a Khatedar by written agreement, the Revenue Authorities will not aid the Khatedar in interfering with such subtenant, so long as it appears to them that the terms of the agreement are observed, and there are reasonable grounds for believing the agreement to be genuine.

12. The rights of a subtenant under a written agreement cannot be interfered with by the Khatedar, and should the Khatedar transfer his Khate under Rule 9 to any third person, that third person has no more power over the subtenant than the original Khatedar.

13. If a Khatedar sublets land by written agreement without mentioning any precise period for the duration of such agreement, the claim of the subtenant only holds good during his (the Khatedar's) life-time; if, however, only a specific number of years is mentioned in the lease or agreement, such lease or agreement is binding on the persons originally concerned and their heirs till the period of the lease is completed.

14. If a Khatedar resigns a Khate to Government, which he has sublet, the lessee under him shall have a claim prior to that of any other person to have his name entered to the Khate resigned.

15. The mere production of a paper stated to be a written agreement is not to bar proceedings according to paragraph 9; should there appear after investigation reasonable grounds for doubting the genuineness or applicability of the paper in question, the Khatedar will be placed in possession according to paragraph 9, and the subtenant left if he chooses to sue in a Civil Court on the paper in question.

16. In case of lease or mortgage, no transfer of the Khate is to be made to the lease-holder or mortgagee without a Razeenama in the regular form being given.

17. No transfer of a Khate is allowable unless it include an entire Revenue Survey Number, or the entire Khate of one person in one Revenue Survey Number.

18th. A Razeenama transferring a Khate to any named person under Rule 9 of the Joint Report, may be given at any period of the year; the person to whom the land is transferred becoming responsible for whatever balance of the current year's revenue may be due upon the Khate.

19. The number of Khatedars entered in the Laonee Pheisul Putruk to any one Revenue Survey Number cannot be added to without breaking some Rule. The number of Khatedars in any one Revenue Survey Number may be reduced under the

operation of Rules 7, 8, and 9 of the Joint Report, and once reduced cannot be again increased.

20. Under the operation of the Joint Report Rules, and of the above interpretations, no Revenue Survey Number can be part occupied and part unoccupied, all must be either occupied or all unoccupied.

Digitized with financial assistance from

Government of Maharashtra

on 01 February, 2020